



2008 Human Rights Reports: Montenegro

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Montenegro is a mixed parliamentary and presidential republic with a population of approximately 630,000. A new constitution, approved by the unicameral parliament (the Assembly) in October 2007, retained the country's existing governmental system in which both the Assembly and the president are elected by popular vote. In 2006, following a national referendum, the country declared its independence from the State Union of Serbia and Montenegro. On April 6, Filip Vujanovic, the candidate of the ruling Democratic Party of Socialists (DPS), won reelection as president. Observers of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe (COE) stated that "nearly all aspects of the election were found to be in line with international standards for democratic elections." Civilian authorities generally maintained effective control of the security services.

The government generally respected the human rights of its citizens; however, numerous problems persisted, including police mistreatment of suspects in detention, substandard prison conditions, abusive and arbitrary arrests, police impunity, lengthy pretrial detention, delayed and inefficient trials, widespread perception of corruption in law enforcement agencies and the judiciary, harassment of journalists, discrimination against the large number of internally displaced persons (IDPs), discrimination against women, trafficking in persons, and discrimination against ethnic minorities, particularly Roma.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Authorities pursued four cases of alleged war crimes during the year. In July the Office of the Chief State Prosecutor indicted eight officers and soldiers of the Podgorica Corps of the former Yugoslav People's Army (JNA) suspected of killing 23 Albanian civilians in Kaludjerski Laz near Rozaje during the 1999 NATO intervention. The Albanians were trying to escape from the war in Kosovo. The Higher Court of Bijelo Polje detained seven of those charged, and an international arrest warrant was issued for the eighth. In December the detainees went on a hunger strike to protest delays in commencing the trial.

On August 15, the Office of the State Prosecutor indicted six former soldiers and reservists of the JNA whom they had investigated for committing war crimes in the Morinj prisoner of war camp. From October 1991 to August 1992, 169 Croatians captured near Dubrovnik were detained in Morinj, on Kotor Bay; eight later died, allegedly from torture. Five suspects remained in custody at the end of the year; one remained at large. They were charged with torture, inhuman treatment, and violation of the physical integrity of the Croatian prisoners.

An investigation was pending at year's end into allegations that seven former military and police personnel committed war crimes against Muslims in 1992 and 1993 in the Bukovica region in the north of the country.

The Higher Court in Podgorica completed its investigation of five police officers alleged to have been directly involved in the 1992 deportation of Muslims to Republika Srpska, where they were later killed. The case was forwarded to the Special Prosecutor to decide on further action. There were press reports that the investigation was expanded to include another four police officials. On November 18, the private vehicle of Slobodan Pejovic, a former police inspector from Herceg Novi and a witness in the case, was vandalized. The perpetrators were not found.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, police at times beat and harassed suspects who were being arrested or were detained for questioning.

On June 18, the nongovernmental organization (NGO) Youth Initiative for Human Rights (YIHR) asserted that the number of cases of police misconduct and politically motivated violence had increased during the first four months of the year; however, police denied the assertion, stating that the number accusations of unlawful police conduct decreased. In a later report, covering September through December, YIHR noted fewer cases of police misconduct than in their earlier reports. YIHR also stated that 26 policemen suffered bodily injuries while performing their duties during the reporting period.

According to information authorities provided to the COE's Committee for the Prevention of Torture (CPT) for use in preparation of the initial report on their October visit to the country, 92 cases involving allegations of torture and abuse were forwarded to the state prosecutors' offices in 2007. They processed a total of 157, including cases forwarded in previous years. Of the 92 cases forwarded in 2007, the prosecutors rejected charges against 34 persons and indicted 30 persons, bringing the total indictments, including some from earlier years, to 96. The courts decided 46 cases in 2007 and rendered 25 guilty verdicts, nine acquittals, and 12 dismissals for lack of evidence. Two of the guilty verdicts resulted in prison sentences, five in fines, and 18 in suspended sentences.

Although there is a legally mandated agency to which citizens may address complaints of abuse, the Council for Civilian Control of Police Operations, its actions were limited. Since its establishment in 2004, it reviewed approximately three hundred citizen complaints and responded by forwarding its recommendations to police.

Former boxer Aleksandar Pejanovic claimed that police tortured him while he was in their custody following his arrest for allegedly assaulting a police officer during an October 13 protest against the government's decision to recognize the independence of Kosovo. An investigation by the police internal affairs unit exonerated the officers; however, the state prosecutor opened an investigation into the matter. Press reports of the incident included photographs showing bruises on Pejanovic's face and body after his release. Following this incident, Police Director Veselin Veljovic subsequently ordered that video cameras be installed in the detention units of the police stations in Podgorica, Bar, Budva, Herceg Novi, Bijelo Polje, Niksic, Berane, and Pljevlja.

Others charging police abuse included Nenad Ivezic from Podgorica, who claimed that on April 13, police beat him without cause. The state prosecutor for Podgorica was investigating the charges at year's end.

Officer Dragan Lazarevic was convicted in the beating of Milenko Pejanovic from Savnik. The Basic Court of Zabljak

sentenced Lazarevic to two years' probation. At year's end prosecutors were reviewing the cases of three Budva police officers Milovan Rakocevic, Slobodan Musovic, and Zoran Jancer found by an internal police investigation to have used excessive force against Risto Mijanovic, a minor from Cetinje. The Police Disciplinary Commission had earlier garnished 20 percent of Rakocevic's and Musovic's salaries for the month in which they committed the offense and exonerated Jancer. The legal proceeding was pending with the state prosecutor of Kotor.

Trials were underway or pending in a number of cases involving possible police misconduct, including police officers in Bar Nesko Jaredic, Veselin Buskovic, Rifat Ramusovic, and Ivica Raicevic who were charged with beating Predrag Djukic and Ivan Abramovic in a police station in July 2007. (The state prosecutor also indicted the two alleged victims for assaulting and inflicting serious bodily injury upon a police officer.) Two former police officers charged with abuse of power, extortion, and mistreatment of a flower seller in Herceg Novi were awaiting trial at year's end. The officers were dismissed in 2007.

On October 30, five members of the Special Police Antiterrorist Unit Marko Kalezic, Darko Sekularac, Nenad Scekic, Branko Radickovic, and Milorad Mitrovic were found guilty of mistreating and inflicting minor injuries on Pjetar Sinistaj, father of two defendants accused of plotting terrorist attacks on the eve of Assembly elections in 2006. According to media reports, the prosecutor was considering filing charges against other members of the police unit involved once a full investigation was complete.

At year's end, according to media reports, an investigative judge was reviewing evidence that in 2005 the then-police chief of Podgorica, Milan Vujanovic, ordered the beating of the prisoners in Spuz Prison when Montenegrin Special Police raided the prison's detention unit. Several prisoners were hospitalized with severe injuries.

During the year the Basic Court in Berane opened an investigation of police officers Ivan Bojovic, Nebojsa Veljic, and Zeljko Devic, accused of abusing four Kosovo Albanians during their detention in July 2007. The trial had not begun at year's end.

Prison and Detention Center Conditions

Prisons, especially facilities for pretrial detainees, were dilapidated, overcrowded, and poorly maintained. There were some improvements during the year: detention units in several police stations (Podgorica, Budva, Bar, Herceg Novi, Niksic, Bijelo Polje, Berane, and Pljevlja) were renovated and equipped with air conditioning and video surveillance. The ombudsman and other human rights activists visited these detention units. Authorities completed construction of two new pavilions in the main prison in Spuz to house convicted inmates; they also renovated three existing pavilions, introduced video surveillance, built a local well, and established resocialization workshops. Prison authorities stated that funds had been allocated for a new 16,146 square foot building at Bijelo Polje Prison, located in the northern part of the country.

On September 5, two NGOs and the victim's mother reported that police beat and otherwise mistreated detainee Vladana Kljajic in the female detention unit in Spuz Prison. Prison authorities claimed that Kljajic broke prison rules and was appropriately disciplined rather than beaten. Prison authorities filed charges against Kljajic for assaulting an official, while Kljajic's mother filed charges against the prison warden.

In contrast to previous years, there were no reports of juveniles held in the same cells with adult prisoners.

The government permitted human rights observers, including the International Committee of the Red Cross (ICRC) and local NGOs, to visit the prisons and detention units to speak with the prisoners without the presence of a guard. Both the ICRC and the Helsinki Committee of Montenegro made repeat visits during the year. Representatives of the human rights ombudsman's office routinely visited prisons without prior notice, meeting with detainees and

inmates.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. There were no public reports that police arrested and interrogated human rights activists.

Role of the Police and Security Apparatus

The national and border police were responsible for law enforcement and maintenance of order. They worked under the supervision of the Interior Ministry and were generally effective. The National Security Agency (ANB) is a separate entity within the Interior Ministry. The parliamentary Committee for Defense and Security held regular meetings with the directors of police and the ANB. Within the Defense Ministry there is a Department for Defense, Security, Communication, and Crypto Protection that deals with intelligence issues.

According to the COE's Commissioner for Human Rights, who visited the country in June, "criminal proceedings against law enforcement officers for extortion of evidence, ill treatment, torture, or abuse of office happen relatively seldom and are not conducted efficiently. Verdicts are reached in a small number of reported cases only to be followed by admonitions, suspended sentences, and fines." During the first nine months of the year, four officers were dismissed and 20 fined for abuse of office and exceeding authority.

Police corruption and inappropriate governmental influence on police behavior remained problems; the small, close knit society discouraged the reporting of corruption and facilitated criminals' access to law enforcement officers. The Interior Ministry's Internal Affairs Unit took disciplinary measures to address those problems.

The government, with the help of foreign governments and the OSCE, provided training for police, security, and customs officers.

Arrest and Detention

Arrests require a judicial warrant or a "strong suspicion that the suspect committed an offense." Authorities may detain suspects for up to 48 hours before bringing them before a judge and charging them. At arraignment the judge makes an initial determination about the legality of the detention. In practice arraignment generally occurred within the prescribed period. The law provides for access to an attorney during this initial period. Detainees generally had prompt access to family members. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail. The law permits authorities to detain suspects up to six months before holding a preliminary hearing and allows a defendant to be detained for up to two years before a verdict is issued. The law permits up to two years of further detention, a period that begins when the appeals court vacates the conviction and returns the case for a new trial in the court of original jurisdiction. These time limits were generally respected.

Long trial delays, combined with difficulty in meeting conditions for bail, frequently led to lengthy pretrial detention. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however such delays occurred regularly. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial, without any apparent reason, and trials themselves were subject to frequent interruptions. Pretrial detainees on average accounted for 50 percent of the prison population. The length of pretrial detention was estimated to be less than one year in 90 percent of cases. In September there were 409 convicted inmates and approximately 500 detainees.

Amnesty

On July 29, the Assembly adopted a Law on Amnesty that authorizes a 25 percent reduction in sentences for certain crimes committed before May 2006; the law applied to both citizens and foreign nationals serving their sentences in the country.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, some observers charged that the judiciary was not always independent and that government officials at times influenced prosecutors for political and personal reasons. There were reports that some judges had inappropriate ties to business leaders or issued tainted decisions out of fear of reprisals, including the loss of their jobs. Some observers contended that executive and parliamentary branches, through the process of proposing and adopting the budget for the courts, could influence the independence of the judiciary. Some contended that the housing allocations for judges should be regulated more transparently to eliminate any concerns about inappropriate influence. Some observers also asserted that the system of judicial appointments itself contained inadequate protections against political influence on the judiciary.

Insufficient cooperation between police and prosecutors, a large backlog of cases, frequently primitive courtroom facilities, and judicial corruption also remained problems. Cases could take years to be resolved.

The court system consists of basic courts, higher (district) courts, commercial courts, an appeals court, an administrative court, the Supreme Court, and the Constitutional Court.

On August 5, Podgorica Higher Court convicted 17 persons, including four U.S. citizens, of planning a rebellion against the country with a view to creating an autonomous region for ethnic Albanians. They were arrested in a 2006 raid in Tuzi on the eve of parliamentary elections. Police reportedly found a large stash of weapons and plans to attack government buildings, and authorities asserted that police had foiled a terrorist plot. Most of the accused were released briefly following their conviction, but the court decided to rearrest them pending appeals. The defendants claimed that they were physically abused during their initial arrest and were forced to make statements under duress.

On September 15, a Special Department for Suppressing Organized Crime, Corruption, Terrorism, and War Crimes was established within the Chief State Prosecutor's Office.

Trial Procedures

Criminal trials are generally public, but sessions may be closed during the testimony of a state protected witness. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner. Defendants have a right to an attorney; an attorney is generally provided at public expense when a defendant is destitute, or following an indictment when the charge carries a possible sentence greater than 10 years in prison. Defendants and their attorneys have the right to access government held evidence relevant to their cases; according to the law, defendants enjoy a presumption of innocence. Both the defense and the prosecution have the right of appeal. Although the government at times influenced the judiciary, defendants' rights were generally respected and extended to all citizens.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters. Parties have brought suits alleging human rights violations and at times prevailed.

On December 26, a settlement agreement was concluded with the victims and members of their families who sued the government over the 1992 deportation of Muslims and Bosniaks to Republika Srpska in Bosnia and Herzegovina, where they were subsequently killed or disappeared. Under the agreement, 4.13 million euros (approximately \$5.8 million) were allocated to settle 42 cases. The decision came after several years of litigation in which courts had awarded damages but authorities had appealed the verdicts, avoiding payment of the awards. According to the plaintiffs' attorney, the settlement amount was paid.

Approximately 300 cases involving the country were pending before the European Court for Human Rights (ECHR). Most related to property restitution, property rights, lengthy pretrial detention, media freedom, mistreatment by police, violations of the right to a timely trial, or the right to information.

Property Restitution

There was no reported progress on the restitution of church property. The Serbian Orthodox Church accused the government of applying the restitution law in a discriminatory manner. There was no decision in a suit filed by that Church in 2005 with the ECHR alleging that delays in addressing its claims for property taken by the government after World War II were politically motivated. The Roman Catholic Church and Islamic community also asserted claims to property in several locations. The Law on Restitution envisages that separate legislation would govern property confiscated from religious communities; however, such legislation has not been adopted. Consequently, religious communities may file restitution claims, but authorities can take no action on them. The number of unresolved restitution claims related to religious property was unknown, but the Ministry of Finance confirmed that all three primary religious communities (Orthodox, Catholic, and Muslim) had submitted claims.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. The law requires the National Security Agency (NSA) to obtain court authorization for a wiretap; however, some observers believed that authorities selectively used wiretapping and surveillance against opposition parties and other groups without court authorization. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Citizens could request permission to inspect secret files kept on them from 1945 to 1989 by the former State Security Service, the precursor of the NSA. In the first nine months of the year, the NSA received and granted two such requests.

The NGO Network for Affirmation of the NGO Sector (MANS) filed a complaint with the Constitutional Court seeking to revoke regulations in the criminal procedure code that give police direct access to the databases of mobile telephone providers for use in monitoring potential criminal activity. MANS asserted that this violates citizens' rights to privacy; however, police claimed that all types of communications monitoring had to be approved by the competent prosecutor's office.

Unlike in previous years, there were no reports of evictions of Roma from illegal settlements.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, there were some restrictions of freedom of the press in practice.

Individuals could criticize the government publicly or privately without reprisal, and there were no reports that the authorities monitored political meetings or otherwise attempted to impede criticism.

The print media consisted of private newspapers and a state owned newspaper that has a national circulation. On July 31, the government issued a tender for the sale of 51 percent of its shares of the public company that published the state owned newspaper and reportedly was negotiating with a potential purchaser at year's end. A previous tender failed in 2007 when no company placed a bid. The independent media was active and generally expressed a wide variety of political and social views without government restriction. The government did not restrict the distribution of foreign publications.

The wide variety of public and private broadcasting media included a national public radio and television broadcaster, 14 local public radio and three local public television stations, and 44 private radio and 21 private television stations. In April the Broadcasting Agency allocated a set of free radio and television frequencies to commercial broadcasters through a public tender. According to the Law on Electronic Communications, which took effect in August, a new Agency for Electronic Communication and Postal Activity was to take responsibility for issuing licenses to the broadcasters. Some local and international observers criticized the government's decision to replace a system in which only one member of the Broadcasting Agency Council was a government representative with one that would be controlled entirely by the government.

On May 23, Mladen Stojovic, a journalist of the Serbian daily Danas and former stringer for Podgorica based daily Vijesti, was attacked by unidentified persons in his apartment in Bar. Stojovic, who was known for writing and speaking about the "football mafia" in Serbia and Montenegro, suffered head and body trauma. Police had not reported any resolution on the case at year's end.

There were developments in two earlier cases. On January 15, the Podgorica Basic Court gave four year prison sentences to two persons who confessed to assaulting Zeljko Ivanovic, director of Vijesti, in September 2007. On May 15, the Higher Court reduced the sentences to one year. Ivanovic and several eyewitnesses claimed that the convicted men were not the perpetrators. On September 26, a new trial began for Damir Mandic, charged in the 2004 killing of the editor of the daily newspaper Dan, Dusko Jovanovic; the Higher Court overturned his earlier acquittal on April 2.

Police had not identified the perpetrators or the motives behind the November 2007 physical assault on Tufik Softic, a correspondent for the daily newspaper Republika and former editor in chief of public Radio Berane. There were no arrests in the 2006 attack on Jevrem Brkovic, a prominent writer, in downtown Podgorica. The attackers killed Brkovic's bodyguard and inflicted serious injuries on Brkovic, who speculated that his book, which dealt with cigarette smuggling and the nexus between politics and organized crime, had provoked the attack.

Slavoljub Scekcic, a police official investigating Jovanovic's death and other unresolved killings, was himself killed in 2005; the trial of 10 persons indicted for his murder began in March 2007 and was underway at year's end.

Officials occasionally threatened to bring, or brought, libel suits against media organizations that accused them of wrongdoing. Some NGOs warned that criminal libel charges against journalists could deter them from reporting candidly on events. Criminal libel charges can carry fines of up to 14,000 euros (approximately \$19,600).

Courts tried a number of libel suits during the year. The trial of Petar Komnenic, a journalist for the weekly newspaper Monitor, initiated on February 29, continued at year's end. Ivica Stankovic, president of the Podgorica Higher Court, sued Komnenic over an article that claimed police secretly wiretapped Stankovic at the request of the special prosecutor for organized crime because of his alleged connections with criminals. In August 2007 Court President Stankovic also sued the editor in chief of Vijesti for defamation in connection with a May 2007 article alleging that in a closed session of the parliamentary security committee, the police director named the court president as one of the judges who obstructed several police investigations. The trial continued at year's end.

A civil libel suit against Vijesti director Zeljko Ivanovic, the newspaper's editor in chief Ljubisa Mitrovic, and the newspaper's publisher Daily Press, continued at year's end. Milo Djukanovic, who was the leader of the ruling DPS and subsequently became prime minister, filed the suit in September 2007 demanding one million euros (approximately \$1.4 million) in compensation for his "damaged dignity and mental suffering." The suit was filed after Ivanovic told reporters he thought Djukanovic had arranged the physical attack on him in retaliation for Vijesti's negative coverage of alleged corruption and mafia influence. On May 19, the Podgorica Basic Court found Ivanovic and Daily Press guilty of defaming Djukanovic and fined them 20,000 euros (approximately \$28,000) while Mitrovic was acquitted. A June 2 appeal to the Higher Court was pending. Vijesti's owners charged that the lawsuit represented an attempt by Djukanovic to suppress freedom of expression.

In a separate case, on December 3, media reported that Veselin Barovic, a local businessman close to Prime Minister Djukanovic, sued the publisher of Vijesti, its editor in chief Mitrovic, and reporter Komnen Radevic for "mental pain and suffering" caused by the newspaper's reporting on the murder trial of police officer Scekic. The newspaper had reported that one of the defendants, according to police reports, used a car owned by Barovic in 2005. Barovic claimed the information was false and was maliciously placed in the newspaper; he requested 100,000 euros (approximately \$140,000) in damages.

Despite these developments, observers noted a modest increase in the willingness of the media to criticize the government. The prominence of articles and programs critical of the authorities during the year suggested that self censorship was not a major problem; however, observers noted that some journalists were susceptible to various political and business influences due to their lack of expertise and to their political affiliations.

The law mandates that formerly state owned media be operated as "public" enterprises, insulated from direct party or government control; however, some observers contended that the government was seeking to maintain control over national public broadcasters. On December 17, the Assembly amended the law on the public broadcaster Radio and Television of Montenegro (RTCG), changing the method of financing RTCG and the manner of selecting the members of its governing council. Instead of the previous, unreliable, system based on radio and television subscription fees, the amended law provides that the RTCG should receive 1.2 percent of the annual state budget. It also empowers the Assembly to appoint the RTCG's nine member council by majority vote, eliminating the earlier provision under which the Assembly was authorized only to acknowledge candidates proposed by civil society groups. Opposition parliamentarians and some local NGOs claimed that the amended law gave the majority in the Assembly control over the public broadcaster and restricted the role of civil society. However, the OSCE and the London based NGO Article 19 praised the government's move to secure a more stable system of financing the public broadcaster. Some observers noted that a large number of the existing council members, chosen under the earlier system, had close ties to the government and that the public broadcaster clearly favored the government.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. According to government data, as of October, 36.2 percent of citizens were using the Internet,

up from 29 percent in December 2007. According to polls by the Center for Democracy and Human Rights, Internet penetration was more 40 percent.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice. Citing security concerns, police banned a rally scheduled for October 16 by pro Serb protesters who wanted to demonstrate against the country's recognition of Kosovo's independence. The ban followed violent clashes between police and pro Serb protesters on October 13 that led to some injuries on both sides.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. Religious communities are separate from the state, equal under the law, and were free to perform their rituals and services.

In April Serbian Orthodox Bishop Filaret visited the country. In 2007 authorities denied Filaret entry to perform religious duties for Serbian Orthodox Church members, citing the fact that the bishop's name was on a Hague list of individuals suspected of having aided war criminals. Following a hunger strike by the bishop, the government subsequently relented, and Filaret stated that he did not experience difficulty gaining admission in April; however, he stated that he was unable to perform services because of a delay in the arrival of his police escort, for which the police apologized. The Serbian Orthodox Church later built a church at the border crossing with Serbia where Filaret had gone on the hunger strike in 2007 to protest his exclusion. Filaret himself consecrated the church.

Societal Abuses and Discrimination

Religion and ethnicity were closely intertwined, and in many cases it was difficult to tell whether discriminatory acts were primarily religious or ethnic in nature. There continued to be friction between adherents of the Serbian and the Montenegrin Orthodox Churches over official recognition and property ownership.

On August 3, unknown persons knocked down the fence at the St. George Church in Gusinje. On September 20, the church was again broken into and some property damage resulted.

Between October 20 and October 24, unknown perpetrators broke into three churches of the Serbian Orthodox Church in Donji Grbalj, near Tivat, stealing relics and desecrating graves.

On September 21, police briefly arrested 65 of the Serbian Orthodox Church's followers in the villages of Dragovoljici and Risji Do, who were protesting the building of a monastery of the Montenegrin Orthodox Church in Risji Do. The protesters blocked roads near Niksic to prevent the head of the Montenegrin Orthodox Church and his followers from reaching the building site. Police stated that the demonstrators were warned that they would be charged with violating the public order. A group of protesters who were briefly detained claimed that police used excessive force against them and threatened legal action. Serbian Orthodox Church Metropolitan Amfilohije and pro Serbian parties described the police reaction and arrests as a "brutal act of violence."

There were fewer reports during the year of verbal clashes between the two Orthodox churches over property. However, the leadership of the Montenegrin Orthodox Church continued to assert ownership of Serbian Orthodox Church property, which they claimed was seized from them after the country united with Serbia in 1918, while the Serbian Orthodox Church continued to seek restitution of property it claimed was taken by the state after World War II.

No new information was available on the August 2007 planting of a bomb in Podgorica's New Martyrs' Church of the Serbian Orthodox Church or the September 2007 removal of a plaque identifying the Islamic community office space in Bar.

On October 10, the car of Miodrag Baletic, head of the Montenegrin Orthodox Church chapter in Niksic, was set on fire. In a statement to the media, Baletic accused supporters of the Serbian Orthodox Church of arson. At year's end the perpetrators had not been identified.

The country's Jewish community was very small and spread out across the country. A 2004 survey by the government statistics office concluded that there was no organized Jewish community; an international Jewish NGO reached a similar conclusion. There were no reports of anti Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

A large number of persons lacked any documentation establishing their nationality and thus were at risk of statelessness. According to Amnesty International (AI), the situation of Roma who entered the country as refugees from Kosovo was of particular concern. AI cited UNHCR figures from June indicating that approximately 4,300 refugees of Roma, Ashkali, and Balkan Egyptian ethnicity lived in the country, caught in a legal limbo in which they did not have Montenegrin citizenship and faced difficulties in acquiring citizenship documents from Serbia.

Citizenship is, in principle, derived from one's parents (jus sanguinis). The UNHCR expressed concern that the strict naturalization criteria in a new citizenship law that entered into force on May 5 would limit the opportunity for refugees from the former Yugoslavia (both "Displaced Persons" and "Internally Displaced Persons") to acquire citizenship.

In addition, according to unofficial sources, a law on aliens was adopted on December 12, but was not published in the Official Gazette by year's end. Observers noted that the new law did little to promote the integration of persons present in the country without an established nationality or permanent residence. Observers also noted, that the law does not describe "displaced persons" and "internally displaced persons" as permanent residents, but rather permits them to remain without proper residence or domicile. Since the laws defining access to basic rights and related public services (health insurance and treatment, social welfare) generally limit these to citizens, these individuals would remain excluded from access to such rights, without regard to their vulnerability or length of their

stay in the country.

Public opinion polls conducted by the local NGO Legal Center of Podgorica, a local partner of the UNHCR, indicated that 46 percent of the 2,168 Roma surveyed in Podgorica experienced problems accessing personal documentation, including birth certificates.

Internally Displaced Persons (IDPs)

The country was host to refugees and displaced persons from several of the other former republics of what was once Yugoslavia who entered the country when it was also part of Yugoslavia. Their juridical status differed. They included approximately 16,000 persons registered as IDPs from Kosovo (mainly ethnic Montenegrins, Serbs, Roma, Ashkali, Balkan Egyptians, Bosniaks, and Albanians), plus an estimated 1,500 who had also filed claims for formal IDP status but awaited decisions from the Bureau for the Care of Refugees and Displaced Persons (BCR), the agency responsible for refugees and IDPs. There were also 8,529 "displaced persons" (refugees) from Croatia or Bosnia and Herzegovina and approximately two thousand persons who fled Albania in 1991, mainly Serbs and Montenegrins, who had applied for resident status but whose applications were not adjudicated by year's end.

In keeping with the law on asylum, the government intended to reregister "displaced persons" from Bosnia and Croatia in one phase and then reregister "internally displaced persons" from Kosovo in a second phase.

The living conditions of IDPs were generally extremely poor. However, authorities gave IDPs access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. The government neither attacked or targeted IDPs nor forcibly returned or resettled them under dangerous conditions. After many years in the country, the interest among IDPs in voluntary return or resettlement diminished. Approximately 1,372 IDPs have returned to Kosovo since 2001; 93 returned during the year.

IDPs faced official discrimination in employment, as their employers are required to pay additional taxes of 2.5 euros (approximately \$3.50) per day. A law on alien employment, adopted in March and scheduled for implementation in January 2009, establishes a stringent quota on foreign workers, including IDPs and refugees. According to the UNHCR, this law is likely to exacerbate the problem by further limiting their access to employment.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government established a system for providing protection to displaced person (refugees). In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Beginning on January 1, the government assumed responsibility for refugee status determination that was previously exercised by the UNHCR, although the UNHCR continued to provide technical support.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. Most of the others lived in private accommodations; there were many family settlements. Between two and three thousand refugees remained in barely habitable facilities (mainly on the coast) that have been privatized. The new owners were gradually evicting the refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In presidential elections on April 6, the candidate of the ruling party, Filip Vujanovic, was reelected. Observers from the OSCE's Office for Democratic Institutions and Human Rights and the Parliamentary Assembly of the COE announced that "nearly all aspects" of the country's first presidential vote since independence were in line with democratic standards. Local observers also noted that, despite some irregularities, the elections took place in a mostly peaceful and fair atmosphere. The irregularities included continued evidence of blurring of state and party structures, the fact that not all aspects of the electoral legislation had been fully harmonized with the new constitution, the fact that campaign finance regulations were not sufficiently delineated to provide adequate transparency and oversight, the absence of legal requirements that the election administration provide voter education or more public awareness of citizens' rights related to suffrage and polling procedures, and the lack of transparency of media ownership. Observers also expressed some concern over the small number of polling stations, especially in Bijelo Polje.

The constitution states that suffrage is given to citizens, a change from the 1998 election law and the prior constitution, which gave suffrage to "residents" in order to accommodate citizens of the former Yugoslavia residing in the country. Referring to the Law on Voter Registers adopted on June 19, and to the new constitution, local authorities in Podgorica started deleting noncitizens from the voter register. In August the opposition Socialist People's Party (SNP) appealed that decision to the Administrative Court, which overruled several earlier decisions of the local authorities to remove individuals from the voter register.

Political parties generally operated without restrictions or outside interference.

According to the press, the civil suit of Suad Muratbasic, a former police officer from Rozaje, against the Police Directorate was pending at year's end. Muratbasic sought compensation on the grounds that he was suspended and then terminated because of his refusal to influence his Muslim neighbors to vote for the DPS during the 2006 Assembly elections.

There were nine women in the 81 seat Assembly and one, a deputy prime minister, in the cabinet. There was one female mayor in the country's 21 municipalities. Four out of 14 Assembly parties had female members of the Assembly in their respective caucuses.

There were 16 members of ethnic minorities in the 81 seat Assembly and three members of ethnic minorities in the cabinet. Five assembly seats were reserved by law for ethnic Albanians. They, along with ethnic Serbs, Muslims, Bosniaks, and Croats participated in the political process, and their parties, candidates, and voters participated in all elections. No Roma ran for or held seats in the Assembly, and Roma were significantly underrepresented in the government; only one person of Romani ethnicity held elective office at any level in the country.

Government Corruption and Transparency

The law provides criminal penalties for corruption by officials. However, the government did not consistently implement the provisions, and there was a widespread perception of public sector corruption, particularly in the executive and judicial branches.

Between January 1 and June 30, police forwarded 663 corruption cases to prosecutors; in the same period courts convicted defendants in 37 cases. Local NGOs, media, and political parties accused the government of not taking

sufficient measures against corruption and organized crime.

As in previous years there were reports of authorities hesitating to act in response to allegations of corruption. There were widespread allegations of corruption during the privatization of state assets. Observers noted that a lack of transparency prevented citizens from judging the validity of those allegations. The government stated that it received 83 requests for information about privatization activities, including 82 from one NGO (MANS), and that it had responded to all of them.

Public officials were subject to financial disclosure under the conflict of interest law. The law requires state officials, including members of the legislature, to disclose their salaries and property; however, there was no legal penalty for noncompliance, and many officials (more than 10 percent) refused to comply by year's end. The legally mandated Commission for Determining Conflicts of Interest published the names of officials who failed to disclose their salaries and property and asked the government and other state institutions to dismiss them, but the government, which was not legally obliged to act, ignored the commission's recommendations. On December 27, the Assembly adopted the new Law on Prevention of the Conflict of Interest that included a legal obligation to make financial disclosures; however, some public officials continued to be permitted to serve on the board of directors of state owned companies or work with scientific, humanitarian, or sports associations.

The opposition party, Movement for Change (PzP), accused then state prosecutor Vesna Medenica of selective decision making after she declined to prosecute Police Director Veselin Veljovic for a transaction in which police sold a large tract of land in downtown Podgorica to a private company and then signed a contract with the same company to build and equip a new headquarters worth 13 million euros (approximately \$18.2 million). Both the media and opposition publicly questioned the legality of the transaction, claiming that it was concluded without a public tender and was sold for well below market value. Medenica asserted that the land sale was illegal but the building contract was legal; she declined to pursue the case. The Police Administration claimed that, according to law, it was not obliged to call for a public tender.

No verdict was announced in the government's appeal of the April 2007 acquittal of two officials charged with violating the tender procedure in the privatization of the national oil company Jugopetrol in 2002.

The Commission for the Regulation of Public Procurement stated that the number of complaints against public procurement practices, especially high-value tenders, was increasing; during the year the commission received 225 complaints, 54 percent more than during the same period in 2007. The commission validated 58 complaints and cancelled 32 tenders.

On December 23, press reported that the COE's Group of States against Corruption (GRECO) examined and adopted the Joint First and Second Round Compliance Report on Montenegro. GRECO stated that the country had made "significant progress" in the fight against corruption, noting that the country had implemented two thirds of GRECO's recommendations.

The constitution and law provide for public access to information; however, the government's record on access to public information was mixed. Some ministries were reluctant to implement the law fully and at times publicly criticized information requests, while others were supportive. NGOs reported that their requests for information from the government frequently went unanswered. The NGO MANS reported that from December 2005 to December 2008, institutions provided information in response to 47 percent of their requests; in the last six months of the year, 39 percent of their requests were answered. Authorities usually gave reasons for denials, and these could be appealed to the courts. While the courts usually supported access to information, their orders to the ministries were often ambiguous and, consequently, sometimes ignored.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

On July 31, the government adopted a "National Report on Human Rights," which was examined on December 3 by the UN Human Rights Council's Universal Periodic Review Working Group. The delegation, led by Justice Minister Miras Radovic, described the country's efforts to fulfill its human rights obligations and commitments. Several NGOs criticized the fact that NGOs were given only 21 days to submit comments, which they charged were ignored.

A number of NGOs and international organizations investigated human rights cases. According to a January 10 report of the UN Human Rights Council Working Group on Enforced or Involuntary Disappearance and Missing Persons, the working group forwarded 16 cases involving disappearances that took place in 1992 and 1993 to the government for response; the government provided an explanation in one case; 15 cases remained outstanding.

The government cooperated with the UN, the COE's Directorate General of Human Rights, and other intergovernmental organizations.

There is an ombudsman for human rights. The office of the ombudsman operated without government or party interference, and the government provided the office with adequate resources. Upon finding a violation of human rights or freedoms, the ombudsman could initiate disciplinary procedures against the violator, including dismissal. Failure to comply with the ombudsman's request for access to official data, documents, or premises, or with the ombudsman's request to testify at a hearing, is punishable by fines of 10-20 times the minimum monthly wage, or 550- 1,100 euros (approximately \$770- \$1,540). During 2007 the ombudsman received 448 complaints, in addition to 199 from 2006. Most complaints concerned the work of the courts, followed by the public administration, prosecutor's offices, public services, local governments, and the police. The government and the courts generally implemented the ombudsman's recommendations.

On October 22, the Assembly adopted a law on the Constitutional Court, which provides that citizens can appeal their violations of human rights to the Constitutional Court.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions in practice. Violence and discrimination against women, child abuse, trafficking in persons, and discrimination against ethnic minorities, particularly Roma, were problems.

Women

Rape, including spousal rape, is illegal; however, enforcement remained a serious problem. Instances of rape were significantly underreported due to the cultural stigma that attaches to victims and even their families. There were no arrests or convictions for spousal rape during the year. Deeply ingrained societal attitudes hampered prosecutions; judges frequently allowed aspersions on a victim's character to be entered into court proceedings. As a result, victims were reluctant to report rape. Punishment for rape, including spousal rape, is one to 10 years in prison; however, authorities can only prosecute the crime if the victim brings charges. According to police statistics, 11 cases of rape were reported in 2006 and seven in 2007.

The NGO SOS, which operated a hot line for the victims of domestic violence, reported that the number of calls significantly increased between July 2007 and July; most calls involved young girls who suffered violence in their relationships, problems with employers, and parental violence. The press reported that during the first nine months of the year, police pressed charges against 366 persons for domestic violence. According to police, 480 cases were reported in 2007, 7.7 percent more than in 2006. The perpetrators were mainly men (95 percent) and the victims mainly women (70.5 percent). In 2007, 25 criminal cases of sexual molestation were reported. Domestic violence was significantly underreported. Financial dependence, multifamily living arrangements, and the lack of support from extended family discouraged victims from reporting abuses.

During the year official agencies, including the police, and to some extent the judiciary, improved their response to domestic violence; however, efforts remained inadequate. According to the NGO Safe Women's House, many female victims of domestic violence complained about the slow response of social welfare centers to their appeals for help. Domestic violence is a crime punishable by a fine or a prison sentence of up to 10 years, depending on the seriousness of the offense or, if death results, by a sentence of three to 12 years in prison.

In its Progress Report on Montenegro, issued in November, the European Commission noted that the country had not adopted a new law on domestic violence, nor was there any financial support for organizations providing services to the victims of domestic violence. According to the commission, the institutional response was not satisfactory, and social welfare centers did not offer professional treatment for victims.

On December 26, the Judicial Council ordered the suspension of the higher court judge from Niksic, Milorad Marotic, who was indicted by the Basic Prosecutor in Niksic for domestic violence. The council ruled that Marotic tarnished the reputation of the judicial profession. Marotic claimed to be a victim of a conspiracy aimed at destroying his professional credibility.

NGOs operated two shelters for victims of domestic violence.

Prostitution is a crime, as is procuring, although soliciting prostitution is not a criminal offense. Prostitution existed but was not widespread. Trafficking in women for sexual exploitation was a problem.

Sexual harassment was a problem, and public awareness of sexual harassment remained low. Although prohibited by a new labor law adopted on August 23, harassment was tolerated by society at large. Although victims were hesitant to report harassment, police were usually effective in intervening when asked to do so.

Women have the same rights as men in property law, family law, and the judicial system; however, in practice women did not enjoy equal social status with men. The Assembly has a council for gender equality, but in the opinion of some NGOs, it lacked sensitivity to the problem. Traditional patriarchal ideas of gender, which maintain that women should be subservient to male members of their families, persisted and resulted in continued discrimination against women in the home. In rural areas women could not always exercise their right to control property, and husbands occasionally directed wives' voting. Few women held senior management positions in government or commerce. There were, however, some signs of improvement; an increasing number of women served as judges, and there were many women in professional fields such as law, science, and medicine.

Although the law incorporates the general principle of nondiscrimination against women, it fails to explicitly address the principle of equal pay for equal work; in practice women's wages for comparable work were lower than those of men. According to the statistics of the government employment agency, as of February, 44.27 percent of the unemployed were women. As of September 2007 women's average wages were 20 percent lower than men's. On July 31, the Office for Gender Equality and the Ministry for Protection of Human and Minority Rights adopted a National Action Plan for Gender Equality for the period 2008-12. The Office for Gender Equality, responsible for

protecting the legal and economic rights of women, issued publications on antidiscrimination and worked on the national action plan.

Children

The government was generally committed to the welfare and rights of children; however, authorities were reluctant to register all births of refugees and IDPs, resulting in statelessness and in some cases poor quality public services, including health care and education.

The government was committed to the health and educational needs of children; however, it did not allocate adequate resources to this goal. Most Romani children received little or no education beyond the primary school level, and the government did not undertake adequate efforts to monitor or encourage continued school attendance of Roma. According to the NGO, Foundation for Providing Scholarships to Roma, 50 percent of Romani children dropped out after primary school. Authorities often segregated Romani children who attended school. There was no clear strategy to prevent Romani children from dropping out of primary school.

By law education is free, compulsory, and universal through the eighth grade; however, inadequate and poor quality education for Roma remained a problem. Prejudice, both within the Romani communities and against Roma, discouraged some Romani children from attending school. Some ethnic Albanians criticized the government for not providing an opportunity for them to learn about their culture and history. On October 7, the first Muslim religious secondary school opened in Malesija, near Podgorica. The school had 64 students, and lectures were delivered in the Bosnian and Albanian languages. Privately funded, the school was not yet fully accredited by the educational authorities.

While boys and girls had equal access to state provided medical care, a few Romani children were not vaccinated, largely due to the migration of Romani families and Roma attitudes toward seeking medical care.

According to police records, in 2007, 55 cases of domestic violence against children were reported. Of these, 72 percent involved children younger than 14. Child abuse was an underreported problem that the government took little action to address. The law does not allow a juvenile to make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of incest or other child abuse to authorities. In 2007 police reported four cases of child sexual abuse. Child marriage was a problem, particularly in Romani communities, where boys and girls generally married around age 14. Romani children were disadvantaged by poverty, leading many to start work both at home and in the streets at an early age, typically around seven years old, in order to contribute to the family income. Romani children were also disadvantaged by having to attend school in a nonnative language, since many spoke Romani at home. The government generally ignored the problem.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked through, within, and to a lesser extent to, the country.

Montenegro was primarily a country of transit, and to a lesser extent, a destination, for trafficked persons, mostly women who came from Eastern Europe, the Balkans, and the former USSR. Most victims were trafficked for commercial sexual and labor exploitation. Western Europe was the primary destination of victims trafficked through the country.

Estimates of the actual number of trafficking victims, as opposed to those who came to official attention, were difficult to obtain. According to official statistics, there were three trafficking victims during the year; however,

NGOs combating trafficking contended that official statistics underreported the level of trafficking. Independence from Serbia transformed a significant portion of internal trafficking into external, cross border, trafficking. Traffickers increasingly avoided holding their victims in such public locales as bars and nightclubs. Government officials reported that the number of victims continued to decrease. The International Organization for Migration (IOM) reported in September that the overall level of trafficking remained the same as in 2007.

Persons were trafficked primarily for commercial sexual exploitation, but many observers believed that trafficking for labor existed as well, particularly within the construction sector. Trafficking victims were generally women and girls with less than average education and were usually poor. Within the country children were coerced into begging. Traffickers were often citizens, sometimes working with foreign partners, and were often affiliated with organized crime. They usually used fraud (false advertisements for travel or employment) to entice their victims and resorted to force and coercion to keep victims from escaping.

The maximum sentence for trafficking in persons is 10 years. The prosecution of all crimes, including trafficking, is plagued by significant delays.

The three traffickers sentenced in 2007 to five years in prison, the Matovic family, remained free pending an appeals process.

The state prosecutor pressed charges against seven persons during the year. In one case charges were brought against three individuals of Albanian ethnicity (one residing in Kosovo and two in Montenegro) for trafficking a minor from Kosovo. In a second case, four Serbian citizens were charged with trafficking two female victims (one from Ukraine and one from Moldova).

A national coordinator, who reports to the deputy prime minister, heads a government sponsored antitrafficking working group, including representatives from the ministries of Interior, Labor, Health and Social Welfare, Justice, Education and Science, the State Prosecutor's office, two NGOs, the IOM, and the OSCE. On December 25, the government's antitrafficking working group adopted a new action plan. The government also coordinated its antitrafficking efforts with other countries in the region and assisted in international investigations of human trafficking. Observers and NGOs viewed the police force as generally well trained and active in combating trafficking, although some claimed that retaining trained antitrafficking police personnel was a problem.

The government offered temporary visas and shelter to victims who agreed to testify against traffickers, gave victims protection, and did not prosecute victims for their activities.

Police antitrafficking efforts were centered in the organized crime department of the criminal police. During the year international organizations, with the cooperation of local authorities, sponsored training on trafficking problems for police (including border police), prosecutors, and judges.

During the year the Office of the National Coordinator began establishing a national database of trafficking victims, in cooperation with the International Center for Migration Policy Development (ICMPD), within the regional project of the Transnational Referral Mechanism.

There were no reports of official involvement in trafficking during the year. The IOM stated that it regarded officials' lack of training as a more serious problem than corruption in impeding their efforts to counter trafficking.

The law provided some protection to trafficking victims, distinguishing them from other persons engaged in prostitution, who were subject to fines, and other undocumented migrants, who were subject to deportation. Authorities generally observed these distinctions, establishing procedures for referring trafficking victims to social

service agencies and repatriating them with IOM assistance. The government funded one shelter in Podgorica that was operated by a local NGO. According to the National Coordinator for Antitrafficking, as of December 3, two trafficking victims were housed in the shelter along with 50 persons there for other reasons. The local NGOs Center Plus, Women's Safe House, and Home of Hope operated temporary shelters that provided care and psychological counseling services to trafficking victims.

Public awareness campaigns, sponsored by the government with OSCE and IOM support, continued throughout the country, including conferences on trafficking, public service announcements, and campaigns in schools. NGOs continued to organize public information campaigns.

In December the antitrafficking coordinator organized six conferences throughout the country, which brought together groups with direct interest in the problem, including judges, doctors, NGOs, ministry representatives, and representatives of the international community to discuss trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or other state services; however, societal discrimination against persons with disabilities effectively limited their access to these benefits and authorities did not actively prosecute infractions. Laws mandating that new public buildings have access for persons with disabilities were generally enforced. Facilities for persons with disabilities were inadequate at polling stations, although authorities provided mobile voting for voters who could not come to the polling stations because of illness or disability.

The Ministry of Health, Labor, and Social Welfare and the Ministry of Education and Science were responsible for protecting the rights of persons with disabilities.

Unemployment remained a serious problem for persons with disabilities, although employers usually gave other reasons for not hiring such persons. Only 2 percent of the 63,000 persons with disabilities were employed. On August 4, the Assembly adopted the Law on Professional Rehabilitation and Employment of Persons with Disabilities. Scheduled to take effect in 2009, the law was intended to facilitate employment of persons with disabilities. Low disability allowances were a problem.

Mental health care was inadequate. Facilities for treating persons with mental disorders were out of date and underfunded. Institutional isolation perpetuated stigmatization and discrimination against such persons.

On December 30, Marijana Mugosa, a blind woman from Podgorica, filed a lawsuit against the government because the local authorities of the Podgorica municipality where she works did not allow her to enter her office with her guide dog.

National/Racial/Ethnic Minorities

The constitution provides for both individual and collective rights for minorities, and generally these were observed in practice; however, Roma were disadvantaged in access to social services and experienced societal discrimination. Ethnic Albanian and Muslim leaders complained about their underrepresentation in government structures. Serbian leaders complained of discrimination and a lack of economic opportunities.

According to a survey conducted in October by the National Statistics Office, the Roma National Council, and the

local NGO Roma Circle, there were 10,619 Roma in the country. Many Roma, including IDPs from Kosovo, lived illegally in squatter settlements that lacked such basic services as public utilities, medical care, and sewage facilities. They often lacked identity documents and therefore access to basic social services. Residents of some settlements that were located on property whose owners wanted to resume control, or on the premises of companies due to be privatized, risked eviction; however, no evictions were reported during the year.

Prejudice against Roma, who comprised 0.42 percent of the population, was widespread, and local authorities often ignored or tacitly condoned their intimidation or mistreatment. According to a local NGO, 70 to 75 percent of Roma were illiterate, 50 percent did not speak the predominant local language, 90 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.

Authorities appropriated approximately 400,000 euros (approximately \$560,000) to improve conditions for Roma under the "Strategy for Improvement of the Roma Position in Montenegro 2008-12." The government also appointed a national coordinator for implementation of the strategy; however, the coordinator lacked basic facilities and was relatively unsuccessful in accomplishing the goals set by the strategy. Overall, government efforts did not result in significant improvements during the year.

The government provided students with an optional civic education class that included information on minority cultures and multiethnic tolerance.

In October 2007, after many delays, the government approved a procedure for setting up national councils, elected bodies that would represent minorities' group interests. All minorities subsequently established national councils. In October 2008 the government provided funding for administrative costs of the councils and allocated resources to enable the councils to implement various projects.

The Bosniak Council and the Bosniak political party demanded that the admission examination for the police academy in Danilovgrad, which only one out of 30 Bosniak/Muslim candidates passed, be abolished because it failed to produce the constitutionally mandated quotas for minorities. Police responded that the admission procedures were in accordance with the law, adding that quotas did not justify having unqualified candidates. Using his discretionary authority, the Interior Minister subsequently enrolled five Bosniak/Muslim students in the academy.

In September the government announced a plan to invest 4.5 million euros (approximately \$6.3 million) in housing and infrastructure in that region. This plan was intended to facilitate the return of persons, primarily Bosniaks and Muslims, who fled the repressive actions of the JNA in Bukovica in 1992-95.

Other Societal Abuses and Discrimination

The law does not explicitly mention sexual freedoms; however, the constitution guarantees the respect of human rights on all grounds and prohibits the instigation of hatred or intolerance on any grounds. There were infrequent reports of violence and discrimination directed against gay men. Society generally showed antipathy towards homosexuals, leading most to conceal their orientation. The print media at times reinforced these attitudes by publishing articles with negative overtones about homosexuality. Violence against homosexuals was rare and not condoned by the government.

There were no reports of violence or discrimination against persons with HIV/AIDS. The health minister stated on December 1 that there were approximately 390 HIV positive persons in the country.

Section 6 Worker Rights

a. The Right of Association

The law entitles workers, except for uniformed military and police personnel, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 95 percent of the workforce in the formal economy was unionized. The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to strike, and workers exercised this right by conducting legal strikes; however, the law prohibits strikes by military and police personnel and public servants.

On February 5, five workers of the aluminum plant KAP in Podgorica were fired following a spontaneous strike in its production facilities that lasted several days. The strikers demanded that management stop the reorganization process in the electrolysis and foundry sectors and also insisted on a 30 percent increase in salaries. The workers who were fired went on a hunger strike for several days. The government did not play any role to enforce the strike law, which did not apply because the strike did not have the endorsement of the plant's trade union committee.

b. The Right to Organize and Bargain Collectively

The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level. By law the registered workforce was covered by collective bargaining agreements. The law prohibits antiunion discrimination; however, there were press reports of discrimination. For example, in November the president of the trade union at the foundry in Niksic, Janko Vucinic, was fired allegedly for criticizing foundry management.

A general collective agreement regulating the rights, obligations, and responsibilities of employers and employees was last signed in 2006 and it has been reviewed annually. The agreement applies to large state and former state companies, and the state administration and private sector usually used it as a framework for their employer employee relations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that women were trafficked through, and to a lesser extent to, the country for commercial sexual exploitation. Foreign construction workers could also be potential victims of trafficking for labor.

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws and policies to protect children from exploitation in the workplace, including those prohibiting forced or compulsory labor and those establishing acceptable working conditions. The government generally enforced these laws and regulations effectively.

The official minimum age for employment is 15 years; however, in farming communities it was common to find younger children assisting their families. Romani children also worked in a variety of unofficial retail jobs, typically washing car windows, collecting items such as scrap metal, or selling old newspapers. Many Romani children also engaged in begging. However, such practices were generally limited to the small Romani community.

During the year police carried out successful initiatives aimed at suppressing begging in Podgorica and the coastal areas. They arrested and charged several adults with organizing and forcing their relatives young Romani children to beg. Most of these children were temporarily accommodated in the Center for Children and Youth. Police

asserted that the practice constituted family begging rather than organized begging.

Inspectors from the State Labor Inspector's Office were responsible for enforcing the child labor laws. No reliable data existed on the extent of child labor. Inspectors reported no violations of the child labor laws during the year.

e. Acceptable Conditions of Work

The national minimum wage of 55 euros (approximately \$77) per month did not provide a decent standard of living for a worker and family. According to the figures released at the end of August, the average salary was approximately 426 euros (approximately \$596) per month and was also not adequate for a worker and family to live comfortably. Minimum wage is fixed through negotiations between the government, labor unions, and the "Trade Union," which represents a significant number of entrepreneurs. Significant portions of the workforce, particularly in rural areas and the informal sector, were not covered by the minimum wage.

The Ministry of Health, Labor, and Social Welfare enforced the minimum wage; there were no reports during the year of employers failing to pay it.

The law requires a 30 minute rest period daily, limits hours worked to 40 per week except in specified unusual circumstances, and requires an unspecified premium for work in excess of 40 hours per week. There is no specific prohibition on excessive compulsory overtime. The Ministry of Health, Labor, and Social Welfare effectively enforced the regulations on hours of work.

During the first nine months of the year, there were 34,000 nonresident workers according to official statistics. The workplace rules for citizens have not applied to nonresident workers since 2006. In addition, an employer must pay a lump sum of 2.50 euros (approximately \$3.50) per person per day for each foreign worker. In March the government adopted an alien employment law, to take effect on January 1, 2009. According to the law, the government must set a quota for nonresident workers. The nonresident quota for the next tourist season was expected to be approximately 40,000.

The government establishes mandatory health and safety regulations. The employer is obliged to report any serious injury or death at work; however, the government did not give enforcement of these regulations a high priority; in practice workers often lacked safety equipment. During the year there were 64 serious injuries, compared with 60 in 2007. Twelve persons died from injuries at work, compared with nine in 2007. Burdened by the deadlines imposed by investors, construction workers (mostly foreigners) usually exceeded eight hours a day; sometimes, to offset low wages, they worked additional hours in second jobs. During the year authorities conducted 3,683 inspections and established 4,244 violations of labor standards. Workers did not have the right to remove themselves from situations that endanger health and safety without jeopardy to their employment.