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Montenegro

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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 parliament on October 22, retained the country's existing governmental system, in which both the unicameral parliament (the Assembly of the Republic of Montenegro) and the president are elected by popular vote. In June 2006, following a national referendum, the country declared its independence from the State Union of Serbia and Montenegro. Parliamentary elections followed in September 2006, and the Organization for Security and Cooperation in Europe (OSCE) stated that the conduct of the referendum and elections were generally in accordance with international standards. Civilian authorities generally maintained effective control of the security services.

The government generally respected the human rights of its citizens; however, during the year there were reports of abusive and arbitrary arrests, police mistreatment of suspects in detention, police impunity, lengthy pretrial detention and delayed trials, substandard prison conditions, corruption in law enforcement agencies and the judiciary, trafficking in persons, and discrimination against women and ethnic minorities.

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.

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 suspect`s during arrests or while suspects were detained for questioning.

An internal police investigation established that on July 30, three Budva police officers used excessive force against a minor from Cetinje. The officers were suspended, and the case against them was pending with the prosecutor's office in Kotor at year's end.

Also on July 30, police officers in Bar beat two residents, Predrag Djukic and Ivan Abramovic, in a police station. The officers were suspended, and the case against them was pending with the prosecutor's office in Bar.

According to media reports, citizens pressed a number of charges against law enforcement officers for abuse against citizens during their arrest or when they were in detention. For example, charges were brought against police officers Sasa Andjelic and Ivan Radovic of Herceg Novi for abuse of power, extortion, and mistreatment of a flower seller in Herceg Novi. The officers were suspended. Police investigated allegations that police officer Borislav Obradovic of Herceg Novi had committed two serious violations of his authority on separate occasions involving citizens stopped for traffic violations. One case was forwarded to the state prosecutor in Herceg Novi for further investigation, while the other was forwarded to the police internal affairs unit for disciplinary action; both cases were pending at year's end. The state prosecutor in Berane was investigating three Berane police officers suspected of abusing four Kosovar Albanians during their detention.

In October, following an investigation by police and the prosecutor's office, authorities forwarded an indictment to the court charging police with disproportionate use of force during a raid in Tuzi in September 2006. At the time, authorities asserted that they had foiled a terrorist plot and reported finding a large weapons stash and plans to attack government buildings. Some government opponents asserted that the raid, which took place just before parliamentary elections, was politically motivated (those apprehended were associated with an Albanian nationalist organization). An investigation by the Helsinki Committee of Montenegro concluded that police had used disproportionate force against some of the arrested persons and their family members during the arrests and subsequent interrogations.

Prison and Detention Center Conditions

Prison conditions fell short of international standards, but authorities made some efforts to improve them. Prison facilities were antiquated, overcrowded, poorly maintained, and not adequately hygienic. The main prison held approximately twice as many prisoners as it was designed for, with some cells at even higher levels of overcrowding. In 2006 authorities completed construction of an extension to the main prison that included additional cell space to reduce overcrowding. Work also began on the reconstruction of the two existing prison sections and construction of two new buildings.

The law stipulates that authorities should hold juvenile prisoners separately from adults and that pretrial detainees be held separately from convicted criminals; however, these provisions were not always observed in practice due to overcrowding.

The government permitted prison visits by human rights observers, including the International Committee of the Red Cross (ICRC) and local nongovernmental organizations (NGOs). Both the ICRC and the Helsinki Committee of Montenegro made several 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.

Role of the Police and Security Apparatus

The national and border police forces were responsible for law enforcement and maintenance of order. They were supervised by the Interior Ministry and were generally effective. Impunity was a problem; the government investigated police abuses, but criminal charges and convictions against police were rare. During the year, 14 officers were dismissed and eight fined for abuse of office and exceeding authority.

Police corruption was a problem; the small, close-knit society discouraged the reporting of corruption and facilitated criminals' access to law enforcement 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 of the legality of the detention. In practice arraignment generally occurred within the prescribed period of time. The law provides for access to an attorney during this initial period, but this did not always occur. 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 for up to three years from the date that charges were pressed until the issuance of a verdict by the court of original jurisdiction. After an initial guilty verdict, detention may be extended for an additional year awaiting the decision of an appellate court.

Long trial delays, combined with difficulty in meeting conditions for bail, occasionally led to lengthy pretrial detention. Pretrial detainees made up 54 percent of the prison population. The average period of pretrial detention, while difficult to determine, was believed not to exceed one year in 90 percent of cases.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, a lack of cooperation between police and prosecutors, a backlog of cases, frequently primitive courtroom facilities, and judicial corruption remained problems. Governmental figures at times influenced prosecutors for political reasons. There were reports that judges issued tainted decisions out of fear of reprisals, including the loss of their jobs.

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

Authorities investigated four cases of alleged war crimes. On February 10, the higher court in Bijelo Polje opened an investigation into the actions of 12 officers and soldiers of the Podgorica Corps of the former Yugoslav Army (VJ) suspected of killing six ethnic Albanians from Kosovo in Kaludjerski Laz near Rozaje during the 1999 NATO intervention. Media reported that allegations that the VJ killed, in separate incidents, another 15 civilians between March and June 1999 would also be investigated. In December the higher court in Bijelo Polje opened an investigation into accusations that seven former military and police members committed war crimes against Muslims in 1992 and 1993 in the Bukovica region in the north of the country. The prosecutor's office in Podgorica began criminal proceedings against six police officers alleged to have been directly involved in the deportation of Muslims in 1992 to Republika Srpska, where they were later killed. However, no charges were filed against more senior figures widely believed to have been involved. Podgorica's basic court opened an investigation into the actions of six former members of the VJ suspected of committing crimes against civilians and prisoners of war in the Morinj prisoner−of−war camp.

Trial Procedures

Criminal trials are public; juries are not used. 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 engage an attorney; however, an attorney is provided at public expense only when the charge carries a possible sentence greater than five years in prison. Defendants and their attorneys have the right to access government−held evidence relevant to their cases. They enjoy a presumption of innocence and the right of appeal. Although the government at times influenced the judiciary, defendants' rights were generally respected. Some observers contended that continuing control by the executive branch over the finances of the courts provided influential members of that branch with a means of exerting inappropriate pressure.

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 suit alleging human rights violations and at times prevailed. Beginning in 2004 victims' families brought a total of 42 cases against the government for the 1992 deportation of Muslims and Bosniaks to the Republika Serbska in Bosnia and Herzegovina, where they were subsequently killed or disappeared. In many cases families were awarded monetary damages. By year's end, the basic court in Podgorica had decided 28 cases, and 14 cases remained in litigation; however, the government has appealed all cases in which damages were awarded and by year's end had not paid any compensation.

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 police 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 inspect secret files kept on them from 1945 to 1989 by the former State Security Service, the precursor of the NSA. During the year the NSA received eight requests.

There was a decline in 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 the government did not monitor political meetings or otherwise attempt to impede criticism.

According to the constitution and law, courts are permitted to ban any media content calling for the violent overthrow of the constitutionally defined order, challenging the territorial integrity of the republic, instigating war, violence or criminal acts, infringing citizens' freedoms and rights; or instigating national, racial, or religious intolerance or hatred.

The print media consisted of private newspapers and a state-owned newspaper that has a national circulation. On November 20, the government issued a tender for the sale of 51 percent of its shares of the public company which published the state-owned newspaper. 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.

There was a wide variety of public and private broadcasting media that included a national public radio and television broadcaster, 14 local public radio and three local public television stations, and 19 private television and 41 private radio stations. Domestic radio and television stations regularly rebroadcast programs from a number of foreign services.

Two journalists were physically attacked during the year and the perpetrators of the 2004 killing of *Dan's* editor and the 2006 killing of a writer's bodyguard were still unsolved at year's end. There were a small number of documented allegations of political pressure on the media.

On September 1, Zeljko Ivanovic, the director of Podgorica daily *Vijesti*, was assaulted by three persons in central Podgorica. After the attack Ivanovic told reporters that he believed it had been undertaken at the behest of Milo Djukanovic, the leader of the ruling Democratic Party of Socialists (DPS) and former prime minister, in retaliation for *Vijesti's* negative coverage of alleged corruption and mafia influence. On September 12, Djukanovic filed a lawsuit against Ivanovic, Ljubisa Mitrovic, the newspaper's editor−in−chief, and Daily Press, its publisher, for $1.46 million (one million euros) in compensation for his "damaged dignity and mental suffering." *Vijesti's* owners charged that the lawsuit was Djukanovic's attempt to suppress freedom of expression. The trial opened on November 26. The defense lawyers requested that the president of the court disqualify the judge from the trial because of his partiality towards the plaintiff after he rejected their request that Djukanovic appear in the court to undergo a medical examination to prove his mental suffering.

On December 11, the trial against two persons who confessed to attacking Ivanovic began in the basic court in Podgorica.

On November 2, in Berane, two masked persons physically assaulted Tufik Softic, a journalist and until recently editor-in-chief of public Radio Berane who also reported for the daily newspaper *Republika*. Softic told the media that he did not know his attackers and could not identify any motives for the assault. Police had not caught the perpetrators or discovered the motives for the attack at year's end.

There were no reports of direct government censorship of the media. Officials occasionally threatened to bring libel suits against media organizations that accused them of wrongdoing, and government officials filed libel suits against media organizations. 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. In addition, some NGOs warned that the practice of individual officials bringing criminal libel charges against journalists could deter them from reporting candidly on events. Libel charges can carry fines of up to approximately $29,848 (14,000 euros). The president of the higher court in Podgorica sued Petar Komnenic, a journalist for the weekly newspaper *Monitor*, for writing in an article that the police secretly wiretapped him at the request of the special prosecutor for organized crime because of his alleged connections with criminals. The trial had not begun at year's end. The president of the higher court also sued the editor-in-chief of the daily newspaper *Vijesti* for defamation because of the newspaper's May 8 report from a closed session of the parliamentary security committee in which the police director reportedly named the president of the higher court as one of the judges who had obstructed some police investigations. The trial in this case was underway at year's end.

There were no arrests in the October 2006 attack in downtown Podgorica on Jevrem Brkovic, a prominent writer and the president of the Doclean Academy of Arts and Science. The attackers killed Brkovic's bodyguard and inflicted serious injuries on Brkovic. Brkovic speculated that his most recent novel, which dealt with cigarette smuggling and the nexus between politics and organized crime, had provoked the attack.

The 2004 killing of Dusko Jovanovic, the director and editor−in−chief of the leading opposition daily *Dan*, continued to reverberate, despite the controversial December 2006 acquittal of the person charged with the crime. Slavoljub Scekic, a police official investigating Jovanovic's death and other unresolved killings, was himself killed in 2005. The trial of ten persons indicted for Scekic's murder began on March 26 and was underway at year's end.

The law mandates that former state−owned media be insulated from direct party or government control; however, some observers contended that the government was seeking to maintain control over national public broadcasters. The Radio and Television Council, created to ensure the independence of formerly government−controlled broadcasting, is legally obliged to include NGO representatives on its board; however, on July 12 and December 17, and twice during 2006, the ruling coalition in the Assembly refused to verify by vote some NGO appointments to these positions. Opposition parties, some NGOs, and the rejected candidates called it a violation of the law, which only requires the Assembly to verify, not vote on, the candidates for council membership. Some observers also noted that a large number of existing council members 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 the Telecommunications Agency, in 2007 there were some 150,000 Internet users, or 29 users per 100 citizens.

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.

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 free to perform their rituals and services.

Authorities prevented the Serbian Orthodox Church's Bishop Filaret from entering the country on three occasions on the grounds that he was on a Hague Tribunal list of supporters of the fugitives and accused war criminals Radovan Karadzic and Ratko Mladic. Bishop Filaret declared a hunger strike in protest, and after 11 days the government allowed him to enter, under the supervision of local state bodies, to perform religious ceremonies.

No progress was reported on the restitution of church property. The Serbian Orthodox Church claimed that the government applied the restitution law in a discriminatory manner. There was no decision on a suit filed by the church in 2005 with the European Court for Human Rights alleging that delays in addressing its claims for property taken by the government after World War II were politically motivated.

Societal Abuses and Discrimination

Religion and ethnicity were closely intertwined, and in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin. There were some reports that some elements in society continued to discriminate against some religious communities.

Tensions continued between the canonically unrecognized Montenegrin Orthodox Church and the Serbian Orthodox Church, including over church property. On April 18, police prevented several hundred supporters of the Montenegrin Orthodox Church from entering the monastery of the Serbian Orthodox Church in Cetinje. The leadership of the Montenegrin Orthodox Church continued to assert ownership of all Serbian Orthodox property, which they claimed was seized from them after Montenegro united with Serbia in 1918.

During the night of August 9-10, unknown perpetrators planted a bomb in Podgorica's New Martyrs church of the Serbian Orthodox Church. Police conducted an investigation, but did not arrest any suspects.

On September 21, a plaque on the Islamic Community Center in Bar was damaged by stones. The Board of the Islamic Community in Bar condemned the attack, which they said was the fifth instance of vandalism against the plaque.

A small, scattered number of adherents of Judaism lived in 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 *2007 International Religious Freedom Report*.

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.

Internally Displaced Persons (IDPs)

Although the country became independent from Serbia in June 2006, authorities continued to count 16,155 persons displaced from Kosovo as IDPs. They also listed 8,527 persons originally from Croatia or Bosnia and Herzegovina as "displaced persons." The figure was increased because of a decision by the government to treat 1,601 individuals waiting for a decision on their status as IDPs even though no final decision had been made. At year's end authorities had not determined whether either or both groups might qualify as aslyees under the country's new law on asylum. Since June 2004, 24 persons with origins other than Kosovo, Croatia, or Bosnia and Herzegovina registered as displaced with the government.

Approximately 2,000 displaced persons made claims for resident status, but none had been fully adjudicated by year's end.

By opening its borders in April 1999, the government accepted and provided protection and assistance to some 50,000-70,000 IDPs from Kosovo. The government allowed IDPs access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. Government neither attacked or targeted IDPs nor forcibly returned or resettled IDPs under dangerous conditions.

Protection of Refugees

In June 2006 the Assembly passed an asylum law providing 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 refugees that took effect on January 25. In practice the government provided some protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. According to established procedures, authorities referred refugee cases to the UNHCR for adjudication in accordance with a previously signed memorandum of understanding. During the year, 10 persons applied to UNHCR for refugee status. Of these, one was granted, eight were rejected, and one was pending.

The government was also prepared to provide temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol; however, no persons requested such protection during the year.

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. Others were housed primarily in private accommodations; there were many family settlements and one collective center.

Citizenship is derived from one's parents (jus sanguinis). There were cases in which refugees and IDPs were not recognized as nationals of Montenegro. The UNHCR reported that this was a significant problem among the children of refugees and IDPs who were born in Montenegro.

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

The country declared its independence following citizen approval in a referendum in May 2006. The OSCE stated that the referendum was conducted in accordance with OSCE and other international standards. International and local observers noted scattered irregularities, the most significant of which were in rural areas where there were a number of reports that husbands directed their wives' voting. Elections for seats in the Assembly took place in September 2006. The OSCE stated that the conduct of the campaign and vote were generally in accordance with international standards. However, OSCE observers criticized the fact that changes to the electoral law were enacted after the call for elections and reiterated their view that the law giving party leaders the right to select half of their party's actual parliamentary representation from anywhere on the party's list of candidates impaired transparency.

The ruling DPS has held power without interruption, in various coalitions, since the reintroduction of multiparty democracy in 1991. However, the DPS competed on an equal legal footing with all other parties. All individuals and parties could freely declare their candidacy and stand for election.

In April the Interior Ministry terminated the employment of police officer Suad Muratbasic of Rozaje after first suspending him several months earlier. Muratbasic claimed that the suspension resulted from his refusal of an order to influence his Muslim neighbors to vote for the DPS during the September 2006 assembly elections. He also accused a DPS representative of involvement in his dismissal.

There were nine women in the 81−seat Assembly and one woman in the cabinet.

There were 16 members of ethnic minorities in the 81−seat Assembly and two members of ethnic minorities in the cabinet. Five assembly seats were reserved by law for ethnic Albanians. Ethnic Albanians, 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 official corruption. However, the government did not implement these laws effectively and there was a widespread perception of public sector corruption, particularly in the executive and judicial branches. The World Bank's worldwide governance indicators reflect that corruption was a serious problem. On July 12, the government issued its first report on the implementation of its action plan against corruption. The report was prepared to give an all-inclusive analytical review of all completed measures within the first nine months of the program's implementation (September 2006-May 2008). At the beginning of 2007, the government established a national commission to monitor the implementation of the fight against corruption and organized crime. The commission appointed its president, vice president and secretary, determined its composition and defined the scope of its work. The deputy prime minister for European integration, Ms. Gordana Djurovic, is President of the National Commission.

Public officials were subject to financial disclosure laws.

There were widespread allegations of corruption in 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 204 requests for information about privatization activities, including 180 from one NGO, and that it had responded to all of them.

The law requires state officials, including members of the legislature, to disclose their salaries and property; however, the law was not fully implemented, and many officials refused to comply. There was no legal penalty for noncompliance.

On April 12, a Podgorica court acquitted Veselin Vukotic, deputy chairman of the Privatization Council, and Branko Vujovic, director of the government's Agency for Restructuring of Economy and Foreign Investments, of violating the tender procedure in the privatization of the national oil company Jugopetrol. The Podgorica prosecutor lodged an appeal and the case was pending at year's end.

The constitution and law provide for public access to information; however, the government's record on providing access to public information was mixed. Some ministries were reluctant to implement the law fully and publicly criticized requests for information, while others were supportive. 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, 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; however, there was an accusation that police were responsible for making death threats against a human rights activist. Government officials were generally cooperative and responsive to their views.

A number of NGOs, including the Helsinki Committee of Montenegro, the Center for Democracy and Human Rights, the Center for Civic Education, Action for Human Rights, and the researcher Aleksandar Zekovic investigated human rights cases. Observers credited them with helping to reduce police brutality and other abuses.

In May Aleksandar Zekovic, an independent human rights researcher and a member of the Council for Civilian Oversight of Police Operations, accused Mirko Banovic, head of security for the national chief of police, of responsibility for numerous death threats. A police investigation ruled out Banovic as a suspect but failed to identify the perpetrators. Zekovic requested that state officials provide him with protection but later claimed that the protection provided was limited, i.e. provided only from home to work and back.

The government cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY). On June 17, in Budva, Montenegrin police arrested former Serbian Police general Vlastimir Djordjevic, who was wanted by the ICTY, and transferred him to The Hague.

On February 26, the International Court of Justice in The Hague ruled that Montenegro is not party to the genocide lawsuit filed in 1993 by Bosnia and Herzegovina against the then Federal Republic of Yugoslavia (Serbia and Montenegro).

The ombudsman for human rights does not have authority over the work of the courts except in cases of excessively prolonged procedures, obvious abuses of procedure, and failure to execute court decisions. The office of the ombudsman operated without government or party interference, and the government provided the office with adequate resources. The ombudsman was generally considered to be effective. Upon finding a violation of human rights or freedoms, the ombudsman may initiate disciplinary procedures or dismissal of the violator. 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 to 20 times the minimum monthly wage - $730 to $1,460 (500 to 1,000 euros). No fines were imposed during the year, since the ombudsman's requests were respected. In May the ombudsman's office released its third annual report to the Assembly. The greatest number of complaints, which were fewer than last year, concerned court delays, protection of labor rights, local government activities in the area of town planning, and enforcement of social and economic rights; only a few complaints involved police misconduct. The government and the courts generally implemented the ombudsman's recommendations.

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 were problems.

Women

Rape, including spousal rape, is illegal. Enforcement remained a significant problem. There were no arrests or convictions for spousal rape during the year. Deeply ingrained societal attitudes continued to stigmatize rape victims, and judges frequently allowed negative aspersions on the victims' character to be entered into court proceedings. As a result, victims were reluctant to report rape, including spousal 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.

During the year official agencies, including police and to some extent the judiciary, improved their response to domestic violence; however, efforts were still inadequate. 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. A local NGO estimated that 80 percent of domestic violence against women involved spousal rape. Victims of domestic violence rarely filed complaints with authorities. According to a 2005 survey conducted by the NGO SOS, only 45 percent of victims reported domestic violence incidents to police. However, in 2006, 267 cases of domestic violence were reported to this NGO.

Prostitution is a crime, as are soliciting and procuring. The government took active measures to suppress these offenses. Prostitution existed but was not widespread. Trafficking in women for sexual exploitation was a problem.

Sexual harassment was a problem. It was tolerated by society at large. Although victims were hesitant to report harassment, police were usually effective in intervening when requested 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 status with men. Traditional patriarchal ideas of gender, which maintained 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 some signs of improvement, however; an increasing number of women served as judges, and there were many women in professional fields such as law, science, and medicine.

Women were legally entitled to equal pay for equal work; however, they did not always receive it in practice. The government's Office for Gender Equality is responsible for protecting the legal and economic rights of women. The office issued publications on antidiscrimination and worked on the national action plan for gender equality. On July 24, the Assembly enacted legislation granting equal status to men and women in all areas of life.

Children

The government was reluctant to register all births of refugees and IDPs, resulting in statelessness and denial of some public services.

The government was committed to the health and educational needs of children; however, it did not allocate adequate resources to achieve 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. Romani children who attended school were often segregated.

Education was free, compulsory, and universal through the eighth grade. There was no difference in the treatment and attendance of boys and girls at the primary and secondary levels. Ethnic Albanian children had access to instruction in their native language; however, some Albanians criticized the government for not providing an opportunity for ethnic Albanians to learn about their culture and history.

Boys and girls had equal access to state-provided medical care.

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 child abuse or incest to authorities.

Child marriage was a problem, particularly among Roma. In the Roma community, boys and girls generally married at an early age, with girls marrying somewhat earlier than boys. The problem was generally ignored by the government.

Trafficking in girls for the purpose of sexual exploitation was a problem.

Child labor was a problem.

Trafficking in Persons

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

Montenegro was primarily a transit point for trafficked persons, particularly women and children, and to a lesser extent, a source and destination for trafficking victims. Estimates of the actual number of trafficking victims, as opposed to those that came to official attention, were difficult to obtain. Traffickers increasingly avoided holding their victims in such public locales as bars and nightclubs.

Independence from Serbia transformed a significant portion of formerly internal trafficking into external, cross-border, trafficking. However, according to the International Organization for Migration (IOM), the overall level of trafficking remained at the same as in 2006.

Persons were trafficked primarily for prostitution, but trafficking for labor purposes existed as well. Internal trafficking was not a major problem. Trafficking victims were generally women and girls with less-than-average education and usually, but not always, poor.

Traffickers were often citizens who worked at times with foreign partners and were affiliated with broader organized crime organizations. 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 penalty for trafficking in persons is 10 years in prison. Authorities indicated that they received few reports of trafficking, but they prosecuted a number of cases during the year, most of which involved multiple defendants. For example, on February 6, two Montenegrin citizens were charged with human trafficking. On April 11, authorities charged one Montenegrin citizen with trafficking and one Montenegrin citizen and three Albanian citizens with facilitating prostitution. On March 29, charges were filed against Mladen Matovic, Milenko Matovic, and Milorad Savovic. Media reported on December 26 that members of the Matovic family were convicted of human trafficking and sentenced to five years in prison each.

A government-appointed and government-funded antitrafficking coordinator coordinated antitrafficking efforts with the ministries of interior, justice, health, and education. The government also coordinated its antitrafficking efforts with other countries in the region, particularly through the Southern European Cooperative Initiative Center in Bucharest.

Early in the year, as part of an overall plan to reorganize the police force, the separate antitrafficking police team was disbanded, and its officers were reassigned to the organized crime department of the criminal police; however, they still worked on trafficking cases. Law enforcement personnel, including those at the borders, often lacked training in how to recognize trafficking operations. During the year international organizations, with the cooperation of Montenegrin authorities, sponsored training on trafficking problems for police (including border police), prosecutors, and judges.

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 provides some protection to trafficking victims, distinguishing them from prostitutes, who were subject to fines, and illegal migrants, who were subject to deportation. Authorities generally observed these distinctions. Authorities established procedures for referring trafficking victims to social service agencies and repatriating them with IOM assistance. The government funded one shelter, in Podgorica, which was operated by local NGOs, and, according to the National Coordinator for Anti-Trafficking, one trafficking victim was housed in this shelter along with another 12 persons residing there for other reasons.

Public awareness campaigns sponsored by the government with international support continued throughout the country, however, according to IOM surveys, fewer than 13 percent of secondary school students were familiar with the problem of trafficking.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, societal discrimination against persons with disabilities effectively limited their access to these benefits and authorities did not actively prosecute these infractions. The law mandates access to new official buildings for persons with disabilities, and the government generally enforced this provision in practice. Facilities for persons with disabilities were inadequate at polling stations, although authorities provided mobile voting for handicapped or ill voters who could not come to the polling stations for the September 2006 elections.

The Ministry of health, labor and social welfare, and the Ministry of Education were responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Societal discrimination against ethnic minorities was a problem. Prejudice against Roma was widespread, and local authorities often ignored or tacitly condoned their intimidation or mistreatment. According to a local NGO, 76 percent of Roma were illiterate, 80 percent did not speak the local language, 90 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.

Roma from Kosovo, still formally considered by the government to be IDPs, lived primarily in scattered settlements throughout the country and often lacked identity documents and access to basic human services. However, there were fewer cases of eviction from illegal settlements.

Authorities adopted an action plan in 2005 to improve the circumstances of Roma over the decade 2005-2015. These efforts had not resulted in significant improvements by year's end; however, authorities appropriated approximately $584,000 (400,000 euros) for this purpose in 2008 under a "Strategy for Improvement of Roma Position in Montenegro 2008-2012."

Other Societal Abuses and Discrimination

Society generally showed antipathy towards homosexuals, leading most homosexuals to conceal their identity. Violence against homosexuals was rare and not condoned by the government. There were no reports of violence or discrimination against persons with HIV/AIDs.

Section 6 Worker Rights

a. The Right of Association

The law entitles workers, except for uniformed military and police personnel, to form and join 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.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. 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 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.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that women and children were trafficked for commercial sexual exploitation.

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. While the government generally enforced these laws and regulations effectively, there were reports that children were trafficked for commercial sexual exploitation.

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 or selling small items such as newspapers. Many Romani children also engaged in begging. However, such practices were not widespread.

Inspectors from the state labor inspector's office were responsible for enforcing the child labor laws.

e. Acceptable Conditions of Work

The national minimum wage of approximately $80 (55 euros) per month did not provide a decent standard of living for a worker and family. 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.

The government did not give high priority to the enforcement of occupational safety and health regulations. Workers did not have the right to remove themselves from situations that endanger health and safety without jeopardy to their employment.

BACK TO TOP

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