

MONTENEGRO 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic with a multiparty political system. Voters choose both the president and the unicameral parliament through popular elections. The president nominates, and the parliament approves, the prime minister. The observation mission of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) stated that the October 2016 elections were conducted in a competitive environment and fundamental freedoms were generally respected. The opposition did not accept the election results and began an ongoing boycott of the parliament, which continued at year's end.

Civilian authorities maintained effective control over the security forces.

In 2016 the special prosecutor stated that law enforcement authorities prevented an attempted attack on the government on the October 16 election day. The special prosecutor accused 14 persons, including the opposition coalition Democratic Front (DF) leaders Andrija Mandic and Milan Knezevic, of attempting to violently overthrow the government in order to proclaim electoral victory for the DF and prevent the country from joining the NATO alliance. The parliament voted to strip Mandic and Knezevic's parliamentary immunity, and both were subsequently indicted for this crime. The trial had not concluded by year's end.

The most significant human rights issues included: use of force by police and prison guards to obtain confessions and information from detainees and prisoners; lack of judicial independence; some infringements on media freedom corruption, including law enforcement agencies and the courts; violence against LGBTI persons; and reports of forced labor and child labor.

Impunity remained a problem, since the government did not punish officials who committed human rights abuses.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

During the first eight months of the year, there were 13 deaths and eight attempted homicides related to organized crime. There were eight deaths in the first nine months of 2016.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

While the constitution and law prohibit such practices, there were reports of inappropriate treatment of detainees and prisoners by police officers and prison guards. The government prosecuted police officers and prison guards accused of overstepping their authority, but there were delays in the court proceedings. Nongovernmental organizations (NGOs) noted that a number of police officers found responsible for violating the rules of their service, including cases of excessive use of force, remained on duty.

On January 24, the Podgorica Basic Court sentenced the commander of the Special Antiterrorist Unit (SAJ), Radosav Ljeskovic, to five months in prison for not revealing the names of SAJ members who severely beat several citizens and overstepped their authority while dispersing violent opposition parties' protests in Podgorica in 2015. Opposition parties and several NGOs criticized the length of Ljeskovic's prison sentence as too short.

In June the Constitutional Court, in response to a complaint filed by the NGO Human Rights Action (HRA) alleging an ineffective investigation into SAJ members for the beating of Branimir Vukcevic and Momcilo Baranin, found that the Prosecutor's Office and police indeed failed to conduct an effective investigation. None of the police officers involved faced disciplinary action for the beatings. The court ordered the Basic Prosecutor's Office in Podgorica to conduct a quick and efficient investigation of the case. In July the Constitutional Court also issued a statement in support of an HRA complaint alleging an ineffective investigation into the beating of Milorad Martinovic. In November the Constitutional Court considered Martinovic's complaint and found that he was a victim of a violation of Article 28 of the Constitution and Article 3 of the European Convention on Human Rights (prohibition of torture), both because of his

mistreatment at the hands of police and because the State Prosecutor's Office did not effectively investigate the incident. The Constitutional Court instructed the Basic State Prosecutor's Office in Podgorica to take other appropriate measures to carry out a rapid, independent, and comprehensive investigation.

Prison and Detention Center Conditions

Conditions in prisons and pretrial detention facilities were generally poor, with some prison units overcrowded.

Physical Conditions: There were isolated incidents of poor conditions in prisons, but overall there were no major concerns.

Some prison facilities remained overcrowded. The law provides for health care services for all detainees, but NGOs reported that prisoners who were addicted to drugs, had mental disabilities, or had other special needs continued to face difficulties in obtaining adequate treatment.

The NGO Civic Alliance (CA) reported fewer violations of prisoners' rights than in 2016 but expressed concern regarding previously registered cases of torture, and inhuman treatment that have remained uninvestigated and inadequately processed before competent judicial bodies.

Podgorica prison was still not fully accessible to persons with disabilities.

Administration: Authorities permitted both visitors and detainees to submit complaints to judicial authorities and the ombudsman, generally without censorship, and to request investigations of credible allegations of substandard conditions. Authorities often investigated such problems, but they usually did so only in reaction to media campaigns or upon the ombudsman's recommendation.

Independent Monitoring: The government permitted visits to prisons by independent nongovernmental observers, including human rights groups and the media. Even when monitors visited on short notice, prison authorities allowed them to speak with the prisoners without the presence of a guard.

Improvements: Improvements in the physical facilities, staffing levels, and training for guards continued throughout the year. Overcrowding in the temporary detention prison in Podgorica significantly diminished. CA noted in an August

report that health-care services at the Institution for Execution of Criminal Sanctions have significantly improved.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government usually observed these requirements.

Role of the Police and Security Apparatus

The National Police Force, which includes Border Police, is responsible for maintaining law and order. It operated under the supervision of the Ministry of Interior and was generally effective. The Agency for National Security (ANB) is responsible for intelligence and counterintelligence activities. The armed forces are responsible for external security.

Civilian authorities maintained effective control over the National Police Force, the ANB, and the armed forces. Impunity remained a problem in the security forces. NGOs cited corruption, lack of transparency, and the ruling political parties' influence over prosecutors and officials of the Ministry of Interior as obstacles to greater effectiveness. There was also a widespread view that personal connections influenced the enforcement of laws. Low salaries sometimes contributed to corruption and unprofessional behavior by police officers. During the year the NGO Institute Alternative (IA) conducted public opinion research which showed that citizens' trust in police increased from 58 percent in 2015 to 66 percent during the year but more than half of respondents (57 percent) still considered police corruption to be present to some extent.

Human rights observers continued to express concern over the low number of prosecutions of security force personnel accused of human rights abuses. The prosecutor's office, which is responsible for investigating such abuses, seldom challenged a police finding that use of force was reasonable. Human rights observers claimed citizens were reluctant to report police misconduct due to fear of reprisal. Watchdog groups alleged that the continuing police practice of filing countercharges against individuals who reported police abuse discouraged citizens from reporting it and influenced other police officers to cover up responsibility for violations. In a public opinion survey conducted by the IA, 62 percent of respondents stated they would not report a police corruption case if they had to

provide their own personal information. In cases where courts determined police used unreasonable force, sentences were usually lenient.

The government provided training to police and security forces aimed at reducing abuse and corruption and promoting respect for human rights.

Arrest Procedures and Treatment of Detainees

Arrests require a judicial ruling or a “reasonable suspicion by the police that the suspect committed an offense.” Police generally made arrests using warrants issued by judges and based on sufficient evidence. Police and prosecutors may detain suspects for up to 72 hours before bringing them before a judge and charging them. The law prohibits excessive delay in filing formal charges against suspects and in conducting investigations, but delays sometimes occurred. At arraignment judges make an initial determination about the legality of the detention, and arraignment generally occurred within the prescribed period.

Courts increasingly used bail. Judges could also release defendants without bail and limit their movements, impose reporting requirements upon them, or retain their passports or other documents to prevent their flight. The law permits a detainee to have an attorney present during police questioning and court proceedings, and detainees generally had prompt access to a lawyer. Although legal assistance is required to be available for persons in need, there were financial constraints on the government’s provision of assistance. Authorities must immediately inform the detainee’s family, common-law partner, or responsible social institution of an arrest, and they usually did so. There were no reports that authorities held detainees incommunicado.

Arbitrary Arrest: Police continued to summon both witnesses and suspects to police stations for “informational talks” and often used this practice to curb hooliganism during soccer matches or to reduce participation in opposition political rallies. This practice usually did not involve holding suspects longer than the six hours allowed by the law or typically result in charges.

Pretrial Detention: Courts frequently ordered the detention of criminal defendants pending trial. The law sets the initial length of pretrial detention at 30 days but permits prosecutors to increase it by five months. When combined with extensions granted by trial judges, authorities could detain a defendant legally for up to three years from arrest through completion of the trial or sentencing. The average detention lasted between 90 and 120 days. Authorities stated that pretrial detainees

on average accounted for 30 percent of the prison population. Police often relied on prolonged pretrial detention as an aid to investigate crimes. The backlog of criminal cases in the courts also contributed to prolonged detention. The courts continued to reduce this backlog gradually.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A defendant has the right to appeal his detention. A defendant also has the right to challenge in court the legal basis or arbitrary nature of his or her detention and to obtain prompt release and compensation if found to have been unlawfully detained. This appeal goes to the nontrial panel of the court for decision within 48 hours.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but some NGOs, international organizations, and legal experts asserted that political pressure and corruption influenced prosecutors and judges. The process of appointing judges and prosecutors remained somewhat politicized. To reduce political influence over the process, the government amended the constitution and relevant legislation, and created a new prosecutorial council to select prosecutors, which includes election of a Special State Prosecutor who opened several high-level corruption cases. Inadequate funding and a lack of resources and organization continued to hamper the effectiveness of the courts. The government also expanded the capabilities of the Office of the Special Prosecutor with a larger staff and secured electronic communication between all the prosecutorial offices. The law provides for plea bargaining, which is available for all crimes except war crimes and those related to terrorism.

Trial Procedures

The constitution and law provide for the right to a fair public trial. By law defendants are presumed innocent. Authorities are required to inform detained persons of the grounds for their detention. Defendants have the right to free interpretation as necessary from the moment charged through all appeals. Defendants have the right to a fair and public trial without undue delay and to be present at their trial. Courts may close certain sessions during testimony of government-protected or other sensitive witnesses. Authorities also close juvenile trials. Defendants have the right to consult an attorney in a timely manner in pretrial and trial proceedings. The law requires authorities to provide an attorney at public expense when a defendant is a person with disabilities or is already in detention, destitute, facing a charge carrying a possible sentence of more than 10

years, being tried in absentia, or engaged in a plea-bargaining process. Defendants have the rights to confront prosecution witnesses, present their own witnesses and evidence, and remain silent. Both the defense and the prosecution have the right of appeal. These rights extend to all defendants.

While the judiciary endeavored to hold criminal trials publicly, it often did not do so due to a shortage of proper facilities. The shortage also affected the timeliness of trials. Systemic weaknesses, such as political influence and prolonged procedures, diminished public confidence in the efficiency and impartiality of the judiciary.

Courts may try defendants in absentia but by law must repeat the trial if the convicted individuals are later apprehended.

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, and citizens had access to courts to bring lawsuits seeking damages for violations of constitutionally recognized human rights. Although parties brought suits alleging human rights violations and at times prevailed, perceptions that the system was subject to nepotism, corruption, and political influence led to widespread public distrust. According to NGOs, courts in most cases either rejected civil cases involving claims of human rights violations or proceeded on them slowly. When domestic courts made decisions pertaining to human rights, the government generally complied with them.

Upon exhausting all other available effective legal remedies, citizens may appeal perceived violations of human rights to the Constitutional Court. A large number of cases filed with the court involved such complaints. The Constitutional Court has the authority to review all alleged constitutional and human rights violations. If it finds a violation, it vacates the lower court's decision and refers the case to an appropriate court or other authority to rectify the abuse.

There were also administrative remedies for violations of constitutionally protected human rights. In cases of police abuses, citizens could address complaints to the Council for Civilian Control of Police Operations, which may then make

recommendations for action to the chief of police or the interior minister. In 2016 the Ombudsman's Office also received and acted upon a number of complaints, including about the work of courts, the performance of the prosecution, and police conduct. In 2016 the Ombudsman's Office received 122 complaints on courts' handling of cases, 24 percent more than in 2015. The Ombudsman's Office noted that the long duration of trials, especially those for which urgent treatment is prescribed, eroded citizens' trust in the court system. This was particularly pronounced in disputes dealing with establishment or termination of employment, or the right to earnings and other incomes. The office was also empowered to act in certain individual cases.

Once national remedies are exhausted, individuals, regardless of citizenship, may appeal cases alleging government violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR).

Property Restitution

The Jewish community numbers fewer than 400 persons, most of whom arrived after World War II. The country's prewar Jewish population is estimated to have been about 30 with no identified synagogue or any other communal property. According to the representatives of the Jewish community, there were no claims for restitution regarding Holocaust-era properties within the country.

The Jewish community is affiliated with the World Jewish Congress, and enjoys a good relationship with the government. In 2013 the government donated land to the local Jewish community to build their first synagogue in the country. Construction of the synagogue began in December.

The country's restitution law was most recently amended in 2007, and the country has not passed any laws dealing with restitution following the endorsement of the Terezin Declaration in 2009, nor has it made any special provisions for heirless property from the Holocaust era. The passage of a law on the restitution of religious or communal properties would have minimal impact on the Jewish community, given its small size and the absence of identified prewar Jewish communal property. Any such legislation would mainly apply to properties confiscated from the Serbian Orthodox and Catholic Churches during the communist era.

A large number of restitution claims for private and religious properties confiscated during the communist era remained unresolved. Both private individuals and organizations criticized the government for delays in addressing this problem.

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

The constitution and law prohibit such actions without court approval or legal necessity and prohibit police from searching a residence or conducting undercover or monitoring operations without a warrant. There were no reports the government failed to respect these requirements for conducting physical and property searches.

The law requires the ANB and police to obtain court authorization for wiretaps. Human rights activists continued to claim that authorities engaged in illegal wiretapping and surveillance, but external judicial and parliamentary oversight bodies, including the opposition-controlled inspector general, did not report any violations of the law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights except for some restrictions.

The law criminalizes the incitement of hatred and intolerance on national, racial, and religious grounds and prescribes punishment of six months to 10 years in prison.

Press and Media Freedom: Independent media generally expressed a wide variety of political and social views, including through articles and programs critical of the authorities. The NGO Center for Civic Education warned in each of its annual reports since 2012, however, that selective and nontransparent public funding through the purchase of advertising was exerting an undue influence on the media market. According to the NGO, such funding was provided to reward media outlets favorable to the government and withheld from media that questioned official policies or practices. On June 9, the center reported that the government placed 61 percent of its 2016 newspaper financing in the previously government-owned, low-circulation newspaper *Pobjeda*. In their respective categories, the following outlets received the most funds for advertising and other support from

government agencies: the government-funded public broadcaster Radio and Television of Montenegro (RTCG) (with 41 percent of its advertising and other support funds coming from government agencies); the progovernment Radio Antena M (with 32 percent); and the privately owned but progovernment news website *Portal Analitika* (with 46 percent). Representatives of the most awarded media outlets confirmed the accuracy of the center's figures but criticized the NGO for using inconsistent methodology.

In 2015 the Montenegro Media Institute issued a report which found that opaque ownership continued to be a problem. The report also warned that measures to prevent illegal media monopolies were ineffective and that transparency in how public institutions advertise in media outlets was lacking. The institute described these shortcomings as serious threats to the functioning and integrity of the entire media sector.

Despite the adoption of a journalistic code of ethics by major media groups/outlets, deep divisions between progovernment and pro-opposition media prevented the establishment of a functional and unified self-regulation mechanism for journalists. In its *2016 Montenegro Report* published in November 2016, the European Commission (EC) found no further progress during the year in freedom of expression. "The effectiveness of media self-regulation is hampered by the fact that it is split into different forms, reflecting divisions within the media community," the report noted.

The independent station TV Vijesti continued to blame unfair media conditions, government economic pressure, and selective prosecution for its difficulties in making regular tax payments to the government budget. In 2014 Vijesti's publishing company, Daily Press, sued Pink M Television and the formerly government-owned newspaper *Pobjeda* for 660,000 euros (\$790,000) to compensate for losses it allegedly incurred because of their efforts to discredit Vijesti. Following a jurisdictional ruling by the Supreme Court on April 19, the country's Commercial Court started new hearings of the case on September 5.

Violence and Harassment: There were no physical assaults on journalists during the year, although media reported alleged threats and attacks on the property of media representatives, especially journalists working for pro-opposition or independent media outlets. Following a June meeting with police, the Montenegro Media Trade Union noted there have been 33 attacks on journalists and the media since 2014. The union also reported that police completed their investigations in 19 cases and had forwarded their findings to other state institutions. Many attacks

from previous years remained unsolved or lacked court decisions. In addition, the independent and pro-opposition media reportedly experienced political and economic pressure.

In October 2016 the Podgorica High Court began the trial against investigative journalist Jovo Martinovic and 13 other persons indicted for allegedly participating in a drug trafficking ring. Martinovic pled not guilty, insisting that his contacts with the other defendants were purely linked to his work as a journalist. Numerous local and international human rights and media freedom organizations criticized the duration of Martinovic's pretrial detention and urged that authorities ensure a fair trial. On January 4, following 15 months spent in a detention unit, Martinovic was released pending his trial, which was underway at year's end.

On September 11, the pro-opposition daily *Dan* reported that Prime Minister Dusko Markovic's brother, Velizar Markovic, threatened *Dan* reporter Vladimir Otasevic over the telephone. Markovic reportedly alluded to the 2004 killing of *Dan* editor Dusko Jovanovic during their conversation. In response, on September 13, Prime Minister Markovic stated that reporters should do their jobs as they wish but to leave his family out of politics. The OSCE representative on freedom of the media, Harlem Desir, condemned the threat and called for a swift investigation. The Committee to Protect Journalists as well as several local journalists' associations, NGOs, and opposition parties also condemned the incident and called on authorities to ensure a safe environment for the press.

On October 20, the Basic Court of Podgorica ordered the state to pay 7,000 euros (\$8,400) in compensation to journalist Tufik Softic because of the state's inadequate investigation into a 2007 murder attempt against Softic. The NGO Human Rights Action stated this case was the first time the state was fined for an inadequate investigation. In addition, on November 30, the Constitutional Court ruled that Softic's right to life was violated due to the state's ineffective investigation of the murder attempt and upheld the lower court's judgment. Softic was brutally beaten in 2007, and an explosive device was thrown in front of his home in 2013. The perpetrators of the attacks remained unknown.

In a November 22 interview with the progovernment tabloid television station Pink M, the president of the ruling Democratic Party of Socialists (DPS), Milo Djukanovic, asserted that NGOs and certain media outlets were conspiring as a "media mafia" to overturn the government. Several NGO and media representatives condemned Djukanovic's comments as attacks on media freedom.

A commission reestablished by the government in 2016 to follow investigations into attacks and threats against journalists and the media met several times during the year. Like its predecessor commission, which existed between 2013 and 2015, the commission failed to influence the law enforcement and the judicial institutions to advance these investigations. Nikola Markovic, the commission's chairman and deputy editor in chief of *Dan*, alleged that authorities obstructed the commission's work by restricting access to relevant data.

Media also continued to note that perpetrators remained at large in the case of the 2004 murder of Dusko Jovanovic, editor in chief of the newspaper *Dan*. In April 2016 the country's Appellate Court again upheld the High Court of Podgorica's sentencing of Damir Mandic to 19 years in prison as an accomplice in the case.

Censorship or Content Restrictions: Independent and pro-opposition media complained about unfair treatment and economic pressure from government ministries and agencies. The Center for Civic Education claimed that selective and nontransparent distribution of public funds to media outlets created an unfair media environment and constituted "soft censorship."

On March 21, the public broadcaster, Radio and Television of Montenegro (RTCG), appointed an experienced RTCG journalist as the organization's new director general. The decision followed months of political party disagreements, editorial and managerial staff replacements, and allegations of political pressure on RTCG decision makers. Observers viewed the appointment of a professional journalist with no political party background for the top RTCG managerial position as a significant step forward in its transformation towards an independent public broadcasting service.

The ruling political party and progovernment tabloids criticized RTCG's new leadership and programming as pro-opposition. On November 23, the parliament voted to dismiss film director Nikola Vukcevic from his position on the RTCG Council. The vote followed a previous ruling by the Agency for the Prevention of Corruption (ASK) that Vukcevic had a conflict of interest because he received an honorarium from a private production company for directing a documentary film. Vukcevic denied the accusations, noting his appeal of the ASK decision was pending a higher court's ruling.

Opposition parties, NGOs, and independent media criticized Vukcevic's replacement as part of a broader attempt by the ruling DPS to regain control over the public broadcaster before the 2018 presidential and municipal elections.

In its *2016 Country Report on Montenegro*, the EC underscored the importance of the financial and editorial independence of RTCG. Specifically, the EC noted that “(t)he editorial independence of RTCG needs to be made a priority, since a well-functioning and truly independent public service broadcaster represents a key aspect of media pluralism.”

Some media outlets demonstrated a willingness to criticize the government. Lack of training and unprofessional journalistic behavior, combined with political and economic interference and low salaries for journalists, contributed at times to biased coverage.

Libel/Slander Laws: There is no criminal libel law, but media outlets faced libel charges in civil proceedings. For example, on April 21, the Podgorica Basic Court Podgorica fined the daily *Dan* 5,000 euros (\$6,000) in a defamation case initiated by former prime minister Milo Djukanovic’s sister, Ana Kolarevic. In 2015 Kolarevic sued *Dan* for defamation because of the daily’s repeated reporting about her alleged involvement in a bribery scheme related to the privatization of the government-owned telecommunications company. Kolarevic had previously won three similar cases against *Dan*, *Vijesti*, and *Monitor*, and each outlet was fined 5,000 euros (\$6,000) in damages.

Progovernment tabloids continued to wage campaigns against individuals and organizations critical of the government. In one such case, Tea Gorjanc Prelevic, the executive director of the HRA, sued Pink M Television for defamation. In May 2016 Podgorica’s basic court ruled in her favor and fined Pink M 1,000 euros (\$1,200). During the year the Agency for Electronic Media (AEM) issued nine warnings to Pink M for “violating program principles and standards.” Some civil society representatives urged the AEM to take more severe disciplinary measures against the broadcaster.

Internet Freedom

There were no credible reports that the government monitored private online communications without appropriate legal authority.

The Agency for Electronic Communications and Postal Services estimated internet penetration during the year to be approximately 70 percent.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for the freedom of peaceful assembly. The government usually respected this right, but on several occasions the Ministry of Interior denied permits to workers and LGBTI groups wishing to assemble and express their grievances. Public gatherings within 164 feet of government buildings are prohibited.

Police asserted that they prohibited gatherings that would disturb public peace and order and interfere with traffic. In some cases authorities offered protesters other locations for demonstrations. In a few cases, when protesters assembled without authorization or failed to obey police orders to disperse, police detained them for questioning and charged them with misdemeanors.

Freedom of Association

The constitution and law provide for the freedom of association, and the government generally respected this right.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

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

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

Abuse of Migrants, Refugees, and Stateless Persons: On February 15, a group of 50 asylum seekers from Algeria and Pakistan engaged in a fight with the residents of Spuz near the asylum center. To disperse the crowd, police fired several shots into the air and used tear gas. While the asylum seekers claimed that local residents mistreated them on racial grounds, the local residents claimed that the asylum seekers were repeatedly disturbing the public peace and order.

Internally Displaced Persons (IDPs)

The Ministry of Interior reported that, as of July 26, a total of 14,593 displaced persons (DPs) and IDPs had applied to resolve their residency status in the country. While authorities completed 14,014 of those requests, 525 were still pending. Of those completed, 11,854 received permanent or temporary resident status.

Persons whose applications for the status of foreigner with permanent residence were pending with the Ministry of Interior continued to hold the legal status of DPs or IDPs. Some persons who were entitled to apply faced difficulties in obtaining the required documentation, particularly in regularizing previously unregistered births or paying the fees required to procure documents.

With UNHCR and OSCE support, the government, together with the government of Kosovo, continued to assist displaced Roma and Balkan Egyptians in obtaining personal identification documents under the law that provides a judicial process for establishing the date and place of birth of persons born outside the hospital system. The process facilitated the registration of births of persons born in the country, especially Roma, Ashkali, and Balkan Egyptian children. UNHCR voiced concern about an estimated 280 persons who were born outside the Kosovo or Montenegrin hospital systems, whose births were not registered and for whom mobile teams could not establish verifiable identity documentation.

Conditions for IDPs and DPs from the Yugoslav wars varied. Access to employment, health care, and social services was sometimes limited due to language barriers, insufficient integration programs, lack of documentation, or unclear or inconsistent administrative procedures. According to UNHCR, many remained vulnerable and in need of assistance.

Together with Croatia, Serbia, and Bosnia and Herzegovina, the country was a party to the Regional Housing Program, facilitated by international donors, which worked to provide durable solutions for up to 6,000 DPs and IDPs in the country.

A number of IDPs continued to live in substandard dwellings and struggled to pay rent for private accommodation or feared eviction from illegally occupied facilities known as informal collective centers. Approximately 2,000 persons with DP or IDP status remained in barely habitable privatized facilities. As many as 1,300 Roma from Kosovo remained in a settlement in Berane and in a camp in Podgorica, while approximately 250 Kosovo-Serbs continued to live in substandard collective housing in Berane. The government and international donors continued to assist camp residents, and additional housing units were under construction under the Regional Housing Program. In November the government built 120 apartments for the most vulnerable IDP Romani families from Kosovo with 700 individuals from Konik camp (Konik 1) under the regional housing program.

To assist both refugees from Croatia and Bosnia and Herzegovina and IDPs from Kosovo, the government continued to implement its 2017-19 national strategy for finding durable solutions for DPs and IDPs during the year.

Restricted access to employment pushed many DPs into gray market activities. Poor economic prospects particularly affected Roma, Ashkali, and Balkan Egyptians from Kosovo as well as the aging Kosovo-Serb population in the Berane area, who continued to form the most marginalized and vulnerable segment of the DP and refugee population. Romani DPs were the most vulnerable and marginalized displaced population in the country.

Although the law gives permanent foreign residents the same rights as citizens with the exception of the right to vote, their access to employment, education, property ownership, and specialized medical care was sometimes limited due to the difficulty of obtaining documentation.

The government continued to encourage DPs and IDPs to return to their places of origin, but repatriation slowed to a trickle due to the preference of many IDPs and DPs to remain due to fear of reprisals in their countries of origin or a lack of resources. During the first eight months of the year, 38 IDPs voluntarily returned to Kosovo and two returned to Serbia.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. During the first eight months of the year, 381 asylum seekers were accommodated

in the government's asylum center or the alternative accommodation facility opened in Konik in August due to the increased number of asylum seekers. From 2007 through September 7, the government granted refugee status or subsidiary protection to 55 of a total of 9,995 asylum seekers. Of the 55 persons granted international protection, 26 were still in the country.

On January 10, the new asylum law (The Law on International and Temporary Protection of Foreigners), which provides for expedited procedures to grant asylum and defines the forms of protection, entered into force. The law's implementation was planned to begin on January 1, 2018.

Access to Basic Services: In principle, asylum seekers had the right to access health and education services in line with international standards, although barriers, including language and cultural differences, sometimes limited practical access.

Durable Solutions: A path to citizenship was available, but requires evidence that the applicant had renounced citizenship in his or her country of origin. The government provided support for the voluntary return or reintegration of refugees from the former Yugoslavia. Those who chose the option of integration rather than return to their country of origin enjoyed access to the same rights as citizens, including access to basic services and naturalization in the country; but did not have the right to vote.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. At year's end, there were 11 persons in the country receiving subsidiary protection.

Stateless Persons

UNHCR reported that there were approximately 3,200 persons at risk of statelessness in the country at the end of 2016. The government has laws and procedures that afford the opportunity to gain nationality. The most common problem confronting them, especially Roma, Ashkali, and Balkan Egyptians born in the country or in Kosovo, was a lack of personal documentation, specifically birth and civil registration documents.

The 2011 census identified 4,312 persons who claimed to be without any citizenship. Further to the 2014 Public Call to stateless persons and ensuing analysis and assistance to the persons who responded, it is estimated that 70

persons can be considered stateless. In November the government and UNHCR started a field verification, to identify inter alia, possible new persons at risk of statelessness. As of September the ministry issued temporary travel documents to three stateless persons.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held parliamentary elections in October 2016. In its final report on January 25, the OSCE/ODIHR observation mission noted that the elections were conducted in a competitive environment and fundamental freedoms were generally respected. Despite increased operational and human resources, however, the professional capacity of the election administration remained inadequate. The election day proceeded in a calm and orderly manner, with few cases of procedural irregularities.

After the elections, the opposition parties disputed the results at the national level, but accepted the results in four local elections, two of which were won by opposition parties. The opposition parties claimed numerous irregularities, including the announcement of a thwarted attack of the parliament building on election day, hampered the election process, and as a result, continued to boycott the parliament in protest. As a condition for ending their boycott, the opposition parties demanded new elections no later than the presidential elections scheduled for April 2018. The opposition boycott continued at year's end.

Allegations persisted of links between employment in public service and being affiliated with the ruling party and that membership in a dominant party, the DPS, was a prerequisite for advancement.

On July 27, the parliament's ruling majority removed parliamentary immunity for four opposition coalition DF members of parliament accused of encouraging violence inside the institution. On June 29, the parliament lifted the immunity of DF member of parliament Nebojsa Medojevic, who had been accused of money laundering for the party's election campaign. Following the lifting of this immunity, DF members of parliament spent seven nights in the parliament attempting to prevent his arrest, which had been requested by the special

prosecutor for organized crime. In February the parliament had taken similar measures against two other DF members of parliament, Andrija Mandic and Milan Knezevic, stripping them of their immunity from prosecution for their alleged involvement in the attempted election-day attack in October 2016.

Participation of Women and Minorities: No laws limit the participation of women in the political process, and women and minorities did participate. All minority groups had representatives in the parliament except Roma, Ashkali, and Balkan Egyptians, who remained unrepresented in spite of a law that provides representation to minority groups that win less than 3 percent of the vote or constitute less than 15 percent of the population. The law also provides for positive discrimination in the allocation of electoral seats at the municipal level for minorities constituting 1.5 to 15 percent of the population. There were no political representatives of Roma, Ashkali, or Balkan Egyptians at the municipal level (see section 6, National/Racial/Ethnic Minorities).

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and corruption remained a problem. There was evidence that some government officials engaged in corrupt practices with impunity. The public viewed corruption as endemic in the government and elsewhere in the public sector at both local and national levels. This was particularly the case in the areas of health, higher education, the judiciary, customs, political parties, police, urban planning, the construction industry, and employment. The Agency for Prevention of Corruption, established in 2015, continued to operate.

Agencies tasked with fighting corruption acknowledged that cooperation and information sharing among them was inadequate; their capacity improved but remained limited. Politicization, poor salaries, and lack of motivation and training of public servants provided fertile ground for corruption.

Corruption: Most citizen reports of corruption to the Agency for Prevention of Corruption involved public administration, private sector, and the judiciary.

In the first six months of the year, the Office of the Special State Prosecutor for Organized Crime and Corruption received corruption reports involving 312 high-level officials, 43 percent fewer than in 2016. Out of a total of 762 reports (including cases unresolved in 2016), prosecutors resolved 289, or 38 percent. The

special prosecutor's office dismissed reports concerning 151 persons, forwarded 87 to other prosecutors, opened 47 investigations, suggested indictments for three persons, and indicted one person. During this period, six persons were convicted for higher corruption. Former president of the State Union of Serbia and Montenegro and senior DPS official Svetozar Marovic pled guilty to charges of corruption and organized crime in 2016 and was expected to start serving his sentence in May, but fled the country in April.

Police corruption and inappropriate government influence on police behavior remained problems.

Financial Disclosure: The law requires government officials to report any increases in value of personal property of more than 5,000 euros (\$6,000). Officials must report any gift exceeding 50 euros (\$60) to the Agency for the Prevention of Corruption. Violations of the obligation to file and disclose are subject to administrative or misdemeanor sanctions. Most officials complied with the requirements in a timely fashion. In the first six months of the year, the agency, filed 304 requests for initiating misdemeanor proceedings against public officials who did not submit regular annual reports on income and assets or for breaking campaign finance laws; 73 of these proceedings resulted in fines that amounted to 29,345 euros (\$35,000).

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 usually cooperative and responsive to the views of international groups, but some domestic NGOs assessed cooperation as only nominal while others reported it to be uneven.

According to some NGOs, government actions caused deterioration in relations with civil society. The NGOs Center for Development of NGOs, Center for Civic Education, IA, Network for Affirmation of the NGO Sector (MANS), and Center for Research and Monitoring stated in an open letter that a series of negative developments in relations between the government and NGOs limited their work in the country. The NGOs stated that the Council for the Development of NGOs, an official government body, had not held any sessions since July 2016 and was no longer functional. They also complained that draft amendments to the Law on NGOs did not incorporate their requests regarding the percentage of public funds

to be allocated to NGOs. In addition, they asserted the government at the same time passed amendments to the Law on Games of Chance without public consultation and contrary to defined procedures that drastically reduced the amount of funds collected from legal gambling operations to be allocated to NGOs.

Government Human Rights Bodies: The protector of human rights and freedoms served as the ombudsman to prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment, as well as discrimination. The Office of the Protector of Human Rights may investigate alleged government human rights violations and inspect such institutions as prisons and pretrial detention centers without prior notification. It may access all documents, irrespective of their level of secrecy, relating to detainees or convicts and talk to prisoners or detainees without the presence of officials. The office may not act upon complaints about judicial proceedings in process, except when the complaint involves delays, obvious procedural violations, or failure to carry out court decisions. The ombudsman may propose new laws, ask the Constitutional Court to determine whether a law violates the constitution or treaty obligations, evaluate particular human rights problems upon request of a competent body, address general problems that are important for the protection and promotion of human rights and freedoms, and cooperate with other organizations and institutions dealing with human rights and freedoms. Upon finding a violation of human rights by a government agency, the ombudsman may request remedial measures, including dismissal of the violator, and evaluate how well the agency implemented the remedial measures. Failure to comply with the ombudsman's request for corrective action within a defined period is punishable by fines of 500 to 2,500 euros (\$600 to \$3,000). The government and the courts generally implemented the ombudsman's recommendations, although often with delays. The ombudsman operated without government or party interference and enjoyed cooperation with NGOs.

The parliament has a six-member Standing Committee for Human Rights and Freedoms. Many observers continued to perceive its contribution as insignificant and criticized its apparent sole focus on how international and European institutions assessed the country.

Some NGOs criticized the Ministry of Human and Minority Rights for passivity.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: These acts are illegal, and authorities generally enforced the law. In most cases the penalty provided by law for rape, including spousal rape, is one to 10 years in prison. Actual sentences were generally lenient, the average being three years.

Domestic violence is generally punishable by a fine or a one-year prison sentence.

According to NGO reports, courts often failed to prosecute domestic violence. When they did so, sentences were lenient. Lengthy trials, economic dependency, and a lack of alternative places to live often forced victims and perpetrators to continue to live together.

Domestic violence was a persistent and common problem. The law permits victims to obtain restraining orders against abusers. When abuser and victim live together, authorities may remove the abuser from the property, regardless of ownership rights.

According to NGOs and the ombudsman, female victims of domestic violence often complained that government-run social welfare centers did not respond adequately to their appeals for help. NGOs reported that state institutions did not provide physical protection for victims.

The government, in cooperation with an NGO, operated a free hotline for victims of family violence. NGOs continued to report that, despite progress, particularly in the law, some government agencies responded inadequately to prevent the violence and help survivors recover.

Sexual Harassment: According to the Center for Women's Rights, sexual harassment of women occurred often, but few women reported it. Public awareness of the problem remained low. Victims hesitated to report harassment due to fear of employer reprisals and a lack of information about legal remedies. Sexual harassment is not defined as a crime under the law. According to the latest amendments of the criminal code, however, stalking or predatory behavior with physical intimidation can be punished with a fine or up to three years imprisonment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women as for men. All property acquired during marriage is joint property. The NGO SOS noted that women often experienced difficulty in defending their property rights in divorce proceedings due to the widespread belief that property belongs to the man. Sometimes women ceded their inherited property and inheritance rights to male relatives, but this practice has continued to decline. A consequence of these factors was that men tended to be favored in the distribution of property ownership.

The Department for Gender Equality worked to inform women of their rights, and the parliament has a committee on gender equality.

According to Romani NGOs, one-half of Romani women between the ages of 15 and 24 were illiterate. Romani women often noted that they faced double discrimination based on their gender and ethnicity.

Gender-biased Sex Selection: Although it is illegal, medical professionals noted that gender-biased sex selection took place, resulting in a boy-to-girl ratio at birth of 108:100. The government did not actively address the problem.

Children

Birth Registration: Children derive citizenship from their parents and, under some circumstances, by birth in the country, through naturalization, or as otherwise specified by international treaties governing the acquisition of citizenship. Registration of birth, a responsibility of the parents, is required for a child to have the necessary documents to establish his or her citizenship. Births of all children in hospitals and medical institutions were registered automatically. Romani, Ashkali, and Balkan Egyptian children sometimes were not born in hospitals, and their parents registered their births at much lower rates than other groups, mostly due to their lack of awareness of the importance of registration and the parents' own lack of identification documents. It was difficult for the unregistered children of Romani and Balkan Egyptian parents to access such government services as health care, social allowances, and education. Of the Romani and Balkan Egyptian children in primary school, 10 percent were not registered.

Education: The law provides for free elementary education for all children. Secondary education is free but not compulsory. According to the 2011 census, 95 percent of school-age children attended school.

The percentage of children attending school was much lower for Romani children (51 percent) and Balkan Egyptian children (54 percent), although the number of Romani and Balkan Egyptian children enrolling in public schools increased. At the beginning of the 2016-17 school year, 1,622 Romani pupils were enrolled in primary schools; 125 Romani in secondary school; and 20 Romani and Balkan Egyptian students in university.

A government commission continued to develop methods for monitoring and preventing early school drop-out. To encourage attendance, the government provided free schoolbooks to Romani children in the first three grades of primary school and gave monthly stipends to Romani secondary school and university students of 60 and 150 euros (\$72 and \$180), respectively. There were no textbooks in the Romani language, but the government financed a Romani dictionary.

Child Abuse: The Ministry of Health reported that every third child was subject to emotional abuse, while every fourth child was a victim of physical abuse. Many children, particularly high school students, were exposed to alcohol, drugs, and violence. According to the Center for Children Rights and media reports, peer violence among children was on the rise. The ombudsman noted that child sexual abuse victims were usually girls between the ages of 14 and 16. The abusers were mostly close relatives of the children, and abuse usually occurred at home.

Authorities prosecuted child abuse when they had cases with enough evidence, and the government worked to raise public awareness of the importance of reporting cases. Facilities and psychotherapy assistance for children who suffered from family violence were inadequate, and there were no marital or family counseling centers. At times authorities placed juvenile victims of domestic violence in the children's correctional facility in Ljubovic or the orphanage in Bijela.

Early and Forced Marriage: The minimum legal age for marriage is 18 in most cases, but persons as young as 16 may marry with the consent of a court if it finds them mentally and physically fit for marriage. Child marriage was a serious problem, particularly in the Romani and Balkan-Egyptian communities. According to a survey by the NGO Center for Roma Initiatives, 70 percent of the Romani population between the ages of 12 and 18 entered into arranged marriages.

Punishment for arranging forced marriages ranges from six months to five years in prison. The custom of buying or selling virgin brides continued in the Romani, Ashkali, and Balkan-Egyptian communities. The government implemented measures to prevent underage marriage, including enforcing mandatory school education.

Sexual Exploitation of Children: The age of sexual consent is 18. There is a statutory rape law. Sexual activity with a juvenile carries a prison sentence of up to three years. Paying a juvenile for sexual activity carries a prison term of three months to five years. Authorities may fine or imprison for one to 10 years any person found guilty of inducing a minor into prostitution.

Child pornography is illegal, and sentences for violators range from six months in prison for displaying child pornography to eight years for using a child in the production of pornography.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There were no reports of anti-Semitic acts against the country's small Jewish community, which numbered approximately 500 individuals.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental. The government was implementing the *Strategy for Integration of Persons with Disabilities 2016-2020*, but NGOs claimed that it did not do so effectively.

Authorities generally enforced the requirement that new public buildings be accessible to persons with disabilities, but most public facilities, including buildings and public transportation, were older and lacked access. Although election laws specifically require accessible polling places, the majority of polling stations remained inaccessible.

Despite legal protections, persons with disabilities often hesitated to institute legal proceedings against persons or institutions seen to be violating their rights. Observers ascribed this reluctance to the adverse outcomes of previous court cases or, according to the ombudsman, to insufficient public awareness of human rights and protection mechanisms relating to disabilities. The Ombudsman's Office reported three ongoing court cases for discrimination against persons with disabilities in 2016, one against the national parliament and two against the Podgorica Municipality. The Association of Youth with Disabilities initiated two discrimination cases in 2016 against the Social Centers in Podgorica and the coastal towns of Kotor, Tivat, and Budva.

The Ministries of Health, Labor, and Social Welfare; Education and Sports; Finance; Justice; Human and Minority Rights; Sustainable Development, Traffic, and Tourism, as well as the Secretariat for Legislation, the State Employment Agency, and five NGOs provided assistance and protection in their respective spheres. Together, they constituted the Council for Care of Persons with Disabilities, which was chaired by the minister of labor and social welfare and had responsibility for policies protecting the rights of persons with disabilities.

According to NGOs, services at the local level to children with mental and physical disabilities remained inadequate. Associations of parents of children with disabilities were the primary providers of these services. The law permits parents or guardians of persons with disabilities to work half time, but employers did not respect this right.

The government made efforts to enable children with disabilities to attend schools and universities, but education and facilities to accommodate them remained inadequate at all levels. The NGOs also stated that supported-living assistance at home and similar services were not provided to families and parents of children with disabilities.

Institutionalization perpetuated stigmatization. Persons with physical disabilities had difficulty obtaining through health and social insurance high-quality medical devices to facilitate their mobility as well as other orthopedic aids.

National/Racial/Ethnic Minorities

Roma, Ashkali, and Balkan Egyptians remained the most vulnerable victims of discrimination, mainly due to prejudice and limited access to social services. Their lack of required documents often limited their access to services. The law relating to citizenship and its accompanying regulations makes obtaining citizenship difficult for persons without personal identity documents or those born outside of a hospital (see also section 2.d., Stateless Persons). For example, access to health-care services remained difficult for the members of these communities due to the lack of medical care cards. The government adopted the *Strategy for Social Inclusion of Roma and Balkan Egyptians 2016-2020*, which, as implemented so far, has resulted in some improvements to the number of Romani children attending school, access to health care, and access to housing.

According to the Roma Education Fund, the poverty rate among Roma, Ashkali, and Balkan Egyptians was 36 percent compared with a rate of 11 percent for the general population. Many Roma, Ashkali, and Balkan Egyptians lived illegally in squatter settlements that were often widely scattered and lacked services such as public utilities, medical care, and sewage disposal.

Albanians and Bosniaks in the northern and southern parts of the country frequently complained they were victims of central government discrimination and economic neglect. Ethnic Serbian politicians claimed that the government discriminated against the Serbian national identity, language, and religion.

Government-supported national councils for Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma represented the interests of those ethnic minorities. NGOs, legal observers, and the media continued to accuse the government of misappropriating money from a fund established to finance the national councils.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law forbids incitement to hatred based on sexual orientation as well as discrimination based on sexual orientation and gender identity and applies to LGBTI individuals. Hate crimes based on sexual orientation are considered an aggravating circumstance.

NGOs reported the number of attacks against LGBTI persons rose during the year.

In August two men physically assaulted and lightly injured an LGBTI activist in an LGBTI social and community center in Podgorica. The NGO LGBT Forum Progress stated that police reacted efficiently and apprehended the two attackers.

In September 2016 there was a vicious physical attack on a minor for his perceived sexual orientation and public support of the LGBTI community. Police arrested the two perpetrators and charged them with “violent behavior.” The perpetrators reached a plea bargain deal with authorities and were only required to perform community service.

LGBTI representatives claimed that young persons perpetrated 80 percent of violent crimes against members of the LGBTI community. Hostile individuals used social media and LGBTI dating sites to attack and bully known and suspected LGBTI persons anonymously. The NGO LGBT Forum Progress stated in its 2016 report that over 50 persons were reported to police for hate speech and incitement to violence targeting LGBTI persons on the internet and the police investigated two of these cases.

Negative public perception of LGBTI persons led many to conceal their sexual orientation, although there was a trend toward greater visibility as LGBTI persons came out to their families and colleagues. In one case the executive director of a leading LGBTI rights NGO decided to remain anonymous due to violence. In 2016 the Ombudsman’s Office received three reports of discrimination based on sexual orientation. The office dismissed two cases because witnesses did not want to cooperate, while in the third case, it found elements of hate speech. The ombudsman stated that the drop in the number of complaints showed that members of the LGBTI community had increased their focus on prevention and protection and had effectively raised public awareness about the problem.

In September 2016 the Supreme Court upheld the decision by Niksic police and the Ministry of Interior to temporarily ban the gay pride parade in Niksic in September 2015. The HRA, on behalf of the NGOs LGBT Forum Progress and Hiperion, filed a constitutional complaint against the Supreme Court’s judgement. In 2016 the Administrative Court dismissed an appeal by Forum Progress and Hiperion Niksic, which claimed that Niksic police had violated their constitutional right to freedom of assembly by refusing their three requests for a permit to hold a pride parade. Police cited security reasons for their refusals.

Every police station had an officer whose duties included monitoring observance of the rights of LGBTI persons. During the year a “team of confidence” between police and LGBTI NGOs continued working to improve communication between police and the community.

HIV and AIDS Social Stigma

Juventas and the Montenegrin HIV Foundation stated that persons with HIV/AIDS were stigmatized and experienced discrimination, although most discrimination was undocumented. Observers believed that fear of discrimination, societal taboos relating to sex, and the lack of privacy of medical records prevented many persons from seeking testing for HIV. NGOs reported that patients often faced discrimination by medical personnel and received inadequate treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent trade unions, bargain collectively, and conduct legal strikes. The armed forces do not enjoy this right. In order to represent workers in collective bargaining at the enterprise level, a union must have at least 20 percent of the workforce in the enterprise as members. To act as a worker representative in a particular sector, group, or branch of industry, a trade union must include at least 15 percent of the total workforce in that sector, group, or branch. The law prohibits discrimination against union members or those seeking to organize a union and requires the reinstatement of workers dismissed for union activity.

The government generally enforced the law. Penalties for violations are sufficient to deter most violations.

While the government generally respected freedom of association, employers often intimidated workers engaged in union activity. Unions carried out their functions free from government or political control. Workers exercised their right to join unions and engage in collective bargaining.

Although allowed by law, collective bargaining remained rare. The government continued to be party to collective negotiations at the national level. Only the union with the largest registered membership at any given level was entitled to

bargain, negotiate settlements of collective labor disputes, or participate in other government bodies.

The right to strike is restricted for public servants whose absence from work would jeopardize public interests, national security, the safety of persons and property, or the functioning of the government. International observers noted that the range of professions in which strikes are proscribed exceeds international standards. Employers may unilaterally establish minimum service requirements if negotiations with trade unions fail to lead to an agreement.

Management and local authorities often blocked attempts to organize strikes by declaring them illegal, citing lack of legally required advance notice. There were reports from employees in both the private and public sectors that employers threatened or otherwise intimidated workers who engaged in union organizing or in other legal union activities. In some cases private employers reduced workers' salaries or dismissed them because of their union activities.

Workers in privatized or bankrupt companies had outstanding claims for back pay and severance. In some cases workers were not able to collect on their claims, despite valid court decisions in their favor. Several local governments failed to pay their staff for months at a time. Unpaid wages, factory closures, and growing poverty led to large-scale strikes. Trade unions claimed that workers were largely unaware of their rights and afraid of retaliation if they initiated complaints.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits all forms of forced or compulsory labor, authorities made efforts to investigate or identify victims of forced labor in the formal economy. Penalties under the law for offenses related to forced labor were sufficiently stringent to deter violations compared to penalties for other serious crimes.

There were reports of Romani girls forced into domestic servitude and of children being forced to beg, mostly by their families (see section 7.c.). There were no prosecutions or convictions.

Also see the State Department's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The official minimum age for employment is 15. Children younger than 18 may not engage in jobs that require difficult physical labor, overtime, work at night, underground, or underwater, or work that “may have a harmful effect or involve increased risk for their health and lives,” although the law allows employees between the ages of 15 and 18 to work at night in certain circumstances. The government generally enforced these restrictions in the formal, but not the informal, economy.

The Labor Inspectorate; the Ministries of Labor and Social Welfare, Interior, Health, Justice, and Education; and the ombudsman’s deputy for the rights of the child are responsible for enforcing child labor laws. Penalties under the law were adequate to deter violations. The Labor Inspectorate lacked office space, and adequately trained staff. It did not have any child labor inspectors and investigated compliance with the child labor law only as part of a general labor inspection regime. The government did not collect data specifically on child labor. Apart from forced begging, in 2016 inspectors found 12 children between the ages of 15 and 18 working in the informal economy without proper employment contracts, mainly during the summer. The labor inspectors did not report any violation of child labor laws.

Many parents and relatives forced Romani, Ashkali, and Balkan-Egyptian children to work at an early age to contribute to their family’s income. They engaged in begging at busy intersections, on street corners, door to door, and in restaurants and cafes. While many children were from the country, a large percentage of those between the ages of seven and 16 were from nearby countries, mainly Kosovo and Serbia. Police generally returned the children they apprehended to their families. The ombudsman noted progress in the efforts of police and social centers to prevent begging.

In villages children usually worked in family businesses and agriculture. Romani children worked chiefly during the summer, typically washing car windows, chopping firewood, loading trucks, collecting items such as scrap metal, selling old newspapers and car accessories, or working alongside their parents as day laborers. Many internally displaced Romani children were forced to engage in begging or manual labor. Police asserted that begging was a family practice rather than an organized, large-scale activity. Begging was readily observable, particularly in Podgorica and the coastal areas during the summer. Police seldom pressed charges against the adult perpetrators. They placed victims of forced child labor who did not have guardians in the children’s correctional facility in Ljubovic. After leaving the facility, most children returned to forced begging. Romani NGOs tried to raise

awareness of the problem and suggested that the government did not provide sufficient resources to rehabilitate children begging and living on the street.

Children were subjected to commercial sexual exploitation (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, color, sex, religion, political opinion or other affiliation, national origin, citizenship, disability, sexual orientation, gender identity, age, language, pregnancy, marital status, social status or origin, membership in political and trade union organizations, or health conditions including HIV-positive status and other communicable diseases. The government generally did not enforce antidiscrimination laws and regulations effectively, and there were instances of discrimination on these bases. Persons with disabilities faced significant discrimination in employment despite affirmative action programs that provided significant financial incentives to employers to hire persons with disabilities. According to the state employment agency, only 2 percent of persons with disabilities were employed. Advocates noted there were too few training programs for persons with disabilities to contribute significantly to their economic integration. Neither governmental entities nor private employers hired many persons with disabilities.

Women were at times subject to discrimination based on their marital status, pregnancy, and physical appearance. Employers did not respect all of their legal obligations to pregnant women and sometimes reduced their responsibilities or fired them after they returned from maternity leave. A disproportionate share of women held jobs with lower levels of responsibility than men. Employers promoted women less frequently than men. Some job announcements for women explicitly included discriminatory employment criteria, such as age and physical appearance. Employers at times violated women's entitlement to a 40-hour workweek, overtime, paid leave, and maternity leave. Societal expectations regarding women's obligations to the family reduced their opportunities to obtain jobs and advance in the workplace. An increasing number of women served as judges, and there were many women in professional fields such as law, science, and medicine. Women accounted for less than 9 percent of personnel in the armed forces and National Police Force.

Bosniaks, who accounted for 9 percent of the country's population, constituted 6 percent of the government workforce. Roma, displaced persons, refugees, and migrant workers faced employment discrimination. Migrant workers usually came from Serbia, Bosnia and Herzegovina, Macedonia, and Albania to work on construction sites and in agriculture. There were also instances of discrimination against unregistered domestic and foreign workers.

e. Acceptable Conditions of Work

According to the National Statistics Office, the national monthly minimum wage was slightly above the government's absolute poverty line. Significant portions of the workforce, particularly in rural areas and in the informal sector, earned less than the minimum wage.

Approximately 200,000 persons worked in the formal sector, and an estimated 35,000, mostly young persons, were employed in the informal economy.

The labor law establishes a 40-hour workweek (except in specified unusual circumstances) and requires employers to pay an unspecified premium for overtime, holiday, and weekend work. The law mandates a 30-minute daily rest period and limits overtime to 10 hours per week, but seasonal workers often worked much longer. The government sets occupational health and safety standards that are current and appropriate for the main industries. Regulations require employers and supervisors to supply and enforce the use of safety equipment, conduct risk assessment analysis, and report any workplace deaths or serious injuries within 24 hours. Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Labor Inspectorate is responsible for enforcing wage, hour, and occupational health and safety laws. The number of labor inspectors was sufficient to enforce compliance. Resources, remediation efforts, and investigations were not adequate to successfully identify, enforce, or prevent violations in the informal economy. Penalties for violation of wage and hour rules consisted of minor fines and were insufficient to deter violations. Penalties for violations of occupational health and safety standards were generally a sufficient deterrent in the formal sector. Labor inspectors have the legal authority to close an establishment until it corrects violations or to fine owners who commit repeated violations.

Many workers, particularly women employed in the commercial, catering, and service industries, worked unpaid overtime, and employers sometimes forced them to work on religious holidays without additional compensation or to forgo their rights to weekly and annual leave. Employers sometimes failed to pay the minimum wage, other employee benefits, or mandatory contributions to pension funds. Employees often did not report such violations due to fear of retaliation.

Administrative and judicial procedures were subject to lengthy delays and appeals, sometimes taking years. This has led to an increase in the number of persons seeking recourse through alternative dispute resolution. In 2015 the Agency for Peaceful Resolution of Labor Disputes reviewed 3,679 cases, of which three involved groups, and the rest involved individuals. Most disputes (90 percent) involved accusations of government institutions violating laws on overtime, night work, holidays, social insurance contribution requirements, and other administrative regulations.

Employment in the construction, energy, wood-processing, transportation, and heavy industries presented the highest risk of injury. The most frequent reasons cited for unsafe working conditions were the lenient fines for violation of safety rules, failure to use safety equipment, lack of work-related information and training, inadequate medical care for workers, and old or inadequately maintained equipment.