

MONTENEGRO 2016 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 parliament approves, the prime minister. In its October 17 preliminary report, the observation mission of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) noted the October 16 elections were conducted in a competitive environment and fundamental freedoms were generally respected. The election proceeded in a calm and orderly manner, with few cases of procedural irregularities. The elections were also held under a substantially revised legal framework. The new provisions included the allocation of mandates to minority lists, voter registration and identification processes on election day, candidate registration, including the representation of women in parliament, campaign finance, and the composition and competences of election administration.

Civilian authorities maintained effective control over the security forces.

Corruption was among the country's most significant human rights problems. It was present in health care, education, and other branches of government, including law enforcement agencies and the courts. Corruption was characterized by political favoritism. Police and prison guards sometimes used force against detainees to obtain confessions and information as well as against prisoners. A third broad area of concern was discrimination and societal violence against members of ethnic minorities, especially Roma, Ashkali, Balkan Egyptians (an Albanian-speaking ethnic minority descended from Egyptian migrants in antiquity), Albanians, and Bosniaks; persons with disabilities; and members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community.

Other human rights problems included killings by criminals, impunity for war crimes, overcrowded and dilapidated prisons and pretrial detention facilities, inadequate medical care in prisons, reluctant responses to prisoners' complaints of human rights violations, prolonged pretrial detention, delayed property restitution, government influence of the media by placement of advertisements, violations of the right to peaceful assembly, the unresolved legal status of thousands of persons displaced by the Balkan conflicts of the 1990s, domestic violence against women and children, gender-biased sex selection, and child marriage among Roma. There

were reports of infringement by employers and authorities on workers' rights; forced labor and child labor, including the worst forms of child labor; and employment discrimination based on disability, sex, and ethnicity. Employers often did not comply with wage, hour, and safety regulations.

Impunity remained a problem, although there was an increase in prosecutions for corruption, including of some senior officials of the ruling party.

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.

There was an increase in the number of killings and attempted killings between organized criminal groups. During the first nine months of the year, there were eight deaths and 12 attempted homicides related to organized crime. There were five each in the same period of 2015.

Authorities continued to pursue war crimes cases involving several individuals, primarily low- and mid-level police and military officers, for their alleged actions during the Balkan conflicts of 1991-99. According to Supreme State Prosecutor Ivica Stankovic, the Special State Prosecutor's Office was screening seven criminal war crimes cases. These included four older cases: Morinj, Bukovica, Deportation, and Kaluderski laz. The prosecution reviewed the older cases to determine if sufficient grounds existed to reopen proceedings and indict additional suspects.

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 abusive practices. Internal investigations by a variety of institutions significantly reduced, but did not eliminate inappropriate treatment of detainees by police officers and prison guards. The

government prosecuted police officers and prison guards accused of overstepping their authority.

Leading human rights organizations and the government ombudsman's office strongly criticized the Special Antiterrorist Unit (SAJ) and prosecution for not pursuing more cases of human rights violations, most notably the beating of the president of the Professional Boxing Association, Milorad Martinovic, during a protest by the opposition coalition Democratic Front in October 2015. After the ombudsman's office filed a criminal complaint against the SAJ commander Radosav Ljeskovic, the Podgorica basic prosecutor charged Ljeskovic on June 1 with being an accessory after the fact for concealing evidence about who beat Martinovic. On June 30, the interior minister suspended Ljeskovic pending resolution of the criminal case against him.

In March the Danilovgrad Basic Court found nine Spuz prison inmates guilty of attacking and injuring five guards during a brawl in January 2015. Another trial of 10 prison guards for beating 13 prisoners during the same brawl was still pending as of December.

Nongovernmental organizations (NGOs) noted that a number of police officers found responsible for violating rules of service, including cases of excessive use of force, remained on duty.

Prison and Detention Center Conditions

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

Physical Conditions: The NGO Youth Initiative for Human Rights (YIHR) reported that some prison facilities remained grossly overcrowded and prisoners had difficulties accessing quality health care.

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 were unable to obtain adequate treatment. The YIHR noted a shortage of doctors in the prison system, and the NGO Juventas urged the Ministry of Justice to provide facilities for prisoners with mental disabilities or drug addiction.

Podgorica prison was still not fully accessible to persons with disabilities, although the YIHR noted in its June report that prison officials did install some ramps at its facilities.

The press reported two hunger strikes during the first nine months of the year.

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.

Police did not release information on the state of prison recordkeeping.

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.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government usually observed these prohibitions. Nevertheless, police compensated numerous persons during the year for unwarranted detention.

Role of the Police and Security Apparatus

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

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.

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 cases where courts determined police used unreasonable force, sentences were usually lenient.

With foreign assistance the government provided training to police and security forces aimed at reducing abuse and corruption and promoting respect for human rights. The Institute Alternativa, an NGO, stated that the Office for Internal Control of Police Operations continued to lack sufficient legal authority to implement its responsibilities fully.

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 was supposed 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 neither involved holding suspects longer than the six hours allowed by the law nor typically resulted 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 their 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 during the year. 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 secures electronic communication between all the prosecutorial offices. The Ministry of Justice adopted amendments to the Criminal Procedure Code to

improve the efficiency of criminal proceedings. For example, plea bargaining, now available for all crimes except war crimes and those related to terrorism, led to the successful conclusion of a number of corruption cases.

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 and their attorneys have the right to access government-held evidence relevant to their cases if it does not imperil the investigation, national security, or witness protection. 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 2015 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. The office was 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.

Property Restitution

A large number of restitution claims for private and religious properties confiscated during the communist era remained unresolved. Both private individuals and organizations, such as the Serbian Orthodox Church, 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 that 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.

The media gave extensive coverage to what they described as a failure of authorities to provide information on how they treated data collected by secret surveillance but not used in criminal cases. Opposition politicians criticized police for keeping 500 persons under secret surveillance in 2015 without filing criminal charges.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, but the government maintained some restrictions.

Freedom of Speech and Expression: 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 jail.

Press and Media Freedoms: Independent media generally expressed a wide variety of political and social views, including through articles and programs critical of the authorities. A report by the NGO Center for Civic Education warned that selective and nontransparent public funding through 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 December 22, the center reported that the government placed 78 percent of its 2015 newspaper advertising in the previously government-owned, low-circulation newspaper *Pobjeda*. In their respective categories, the progovernment public broadcaster Radio and Television of Montenegro (RTCG) with 53 percent, and the privately owned but

progovernment news website *Portal Analitika* with 73 percent also received the most advertising and other support funds from government agencies.

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

Despite the adoption of an upgraded journalistic code of ethics in 2015 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 on November 9, the European Commission found no further progress during the year in the area of 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 blamed unfair media conditions, government economic pressure, and selective prosecution for its failure to make regular tax payments and contributions 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 (\$726,000) in compensation for losses allegedly suffered because of their efforts to discredit Vijesti. On February 25, the Commercial Court ruled that it had no jurisdiction in this case and forwarded it to the basic court.

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. The NGO Human Rights Action (HRA) noted 27 attacks on journalists and the media since 2014. On November 2, the HRA reported that most of the reported incidents were attacks on property, not individual journalists. The independent and pro-opposition media reportedly experienced political and economic pressure. On September 7, a group of protestors stoned the premises of the progovernment Pink M Television. Many attacks from previous years remained unsolved or lacked court decisions.

On October 27, 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. The reporter pled not guilty, insisting that his contacts with the other defendants were purely linked to his work as a journalist. Numerous international and local human rights/journalists' organizations criticized the duration of Martinovic's pretrial detention and urged authorities to ensure a fair trial.

On April 12, the Appellate Court once again upheld the High Court of Podgorica's decision to sentence Damir Mandic to 19 years in prison as an accomplice in the 2004 killing of Dusko Jovanovic, editor in chief of the newspaper *Dan*. Other possible perpetrators and masterminds of the killing remained unknown. On June 30, the government offered a one million euro (\$1.1 million) reward for information leading to the arrest of Jovanovic's killer.

The government reestablished a commission to follow investigations into attacks and threats against journalists and the media. Like its predecessor commission, which existed between 2013 and 2015, the commission failed to advance the investigations. Nikola Markovic, the commission's chairman and deputy editor-in-chief of *Dan*, alleged that authorities obstructed the commissions' work by not allowing their members access to relevant data. On July 20, parliament also created an ad hoc committee to oversee investigations of the attacks on journalists and the media. The committee held several meetings before the October 16 parliamentary elections.

Censorship and 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 created an unfair media environment and was a form of so-called "soft censorship." Government opponents continued to claim that the ruling political structures controlled the country's public radio and television broadcaster, RTCG, and that its broadcasts favored the ruling Party of Democratic Socialists (DPS) and its satellite parties. Early in the year, opposition parties included a change to RTCG's editorial team as a precondition to joining the unity government to prepare conditions for free and fair elections. While the government publicly rejected the opposition demand, on April 15, the director of the television section of the RTCG and two other news program editors resigned. According to the public broadcaster's governing body, the RTCG Council, an interim editorial team in charge of the television section

through late October, provided more balanced reporting. On November 30, the Council removed the RTCG director general from office for inappropriately cancelling the public advertisement for the appointment of a new public television director, and suspension of some programs and mismanagement. The majority of the council members ruled that the removed director general acted in favor of the ruling DPS, and appointed an RTCG journalist/editor as a caretaker. The ousted director general filed a complaint with the competent court against the council's decision, claiming to be a victim of various political and interest groups. Progovernment tabloids accused the council members of colluding with opposition parties.

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. During the year the Basic Court Podgorica held a few hearings but made no decision about the lawsuit of Prime Minister Milo Djukanovic's sister Ana Kolarevic against the daily *Dan*. In 2015 Kolarevic sued *Dan* for defamation because of 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 had to pay 5,000 euros (\$5,500) in damages.

Progovernment tabloids continued to wage campaigns against individuals and organizations critical of the government. In one such case, Tea Gorjanc Prelevic, executive director of Human Rights Action, sued Pink M Television for defamation, and, on May 17, Podgorica's basic court ruled in her favor and fined Pink M 1,000 euros (\$1,100).

Internet Freedom

The government normally did not restrict or disrupt access to the internet or censor online content. During the October 16 parliamentary elections, the Agency for Electronic Communications and Postal Services temporarily blocked two social media sites, Viber and WhatsApp, claiming that both sites were inundated with spam texts and hate speech. 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 65 percent.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the freedom of 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. After the Constitutional Court found in 2014 that some provisions of the old law on assembly violated the constitution's freedom of assembly provisions, parliament passed a new law on assembly during the year.

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 their 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, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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.

Internally Displaced Persons (IDPs)

The Ministry of Interior reported that, as of September 30, a total of 12,346 IDPs legally resided in the country. Of these, 10,930 received permanent resident status, and 442 received temporary resident status, with fewer than 1,000 applications still pending. Those who received temporary resident status needed additional assistance with their applications to acquire permanent residence. Authorities rejected 399 applications to receive the foreigner with permanent residence status. An additional 1,200 persons acquired citizenship. Officials stated the remaining refugees that did not apply to change their status either left the country or passed away. Approximately 250 minors who were not yet registered did not have any right of residence.

Those whose applications for the status of foreigner with permanent residence were pending with the Ministry of Interior continued to hold legal status of displaced (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.

The governments of Montenegro and Kosovo, with UNHCR and OSCE support, organized mobile teams to assist displaced Roma and Balkan Egyptians in the Konik camp in Podgorica and elsewhere in obtaining personal documents. This program assisted approximately 50 persons (out of an estimated 1,300 in need) to obtain Kosovo passports during the first seven months of the year. New changes in the law created a judicial process for establishing the date and place of birth of persons born outside the hospital system. The new process facilitated the registration of births of those born in Montenegro, especially Roma, Ashkali, and Balkan Egyptian children. UNHCR voiced concern about an estimated 300 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 a language barrier, insufficient integration programs, lack of documentation, or unclear or inconsistent administrative procedures. According to UNHCR many remained vulnerable and in need of assistance.

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 1,800 Roma from Kosovo remained in a settlement in Berane and in two camps 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.

To assist both refugees from Croatia and Bosnia and Herzegovina and IDPs from Kosovo, the government continued to implement its 2016-2017 national strategy for finding durable solutions for DPs and IDPs during the year.

Together with Croatia, Serbia, and Bosnia and Herzegovina, the country is a party to a regional housing program, facilitated by international donors, which worked to provide durable solutions for up to 6,000 DPs and IDPs. Through the program, authorities completed construction of 62 apartments in Niksic and started the construction of 120 housing units in Konik and Podgorica, as well as an elderly home in Pljevlja with the capacity of 68 beds. The tender procedure for the construction of 94 apartments in Berane was finalized and construction slated to start at the beginning of 2017. In addition the program's Assembly of Donors approved the delivery of 50 houses nation-wide and the purchase of 36 apartments for refugees in Herceg Novi.

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.

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, 19 IDPs voluntarily returned to Kosovo.

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. Authorities required that migrants apply for asylum before they could be admitted. After fulfilling the requirement that they apply for asylum, they could remain in the country until authorities adjudicated their applications. Almost all “asylum seekers” were migrants in transit through the country to EU countries; the average stay in the country was six days.

Durable Solutions: A path to citizenship is available, but requires evidence that the applicant had renounced the citizenship of his or her country of origin.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. As of the end of the year, six persons received subsidiary protection.

Stateless Persons

UNHCR reported that there were 3,262 stateless persons in the country at the end of 2015. 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. Of those, 3,471 claimed to be born in the country. In a two-month drive during 2015, the government registered 486 persons who applied for this status, but the Ministry of Interior recognized only seven as stateless persons. By the end of the year, the ministry issued temporary travel documents to one stateless person.

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 elections on October 16 were held under a substantially revised legal framework. The new provisions included the allocation of mandates to minority lists, voter registrations and identifications on election day, candidate registration, including the representation of women in parliament, campaign finance, and the composition and competences of election administration.

In its preliminary report on October 17, the OSCE/ODIHR observation mission noted that the elections were conducted in a competitive environment and fundamental freedoms were generally respected. The election day proceeded in a calm and orderly manner, with few cases of procedural irregularities.

After the elections the opposition parties disputed election results at the national level, but accepted the election 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, they continued to boycott parliament in protest. As a condition for ending their boycott, the opposition demanded new elections no later than presidential elections in April 2018.

Political Parties and Political Participation: Membership in a ruling coalition party reportedly conferred advantages in civil service hiring and in the private sector. In May, prior to the elections, the opposition parties with the government formed a “Government of Electoral Confidence” in which opposition representatives were provided five ministerial positions and one deputy prime ministerial slot. On July 29, parliament reestablished a Committee for Monitoring Implementation of the Electoral Law with the aim of restoring confidence in the electoral process.

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 parliament except the 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 from 1.5 to 15 percent of 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. A new preventive Agency for Prevention of Corruption was established and began operations.

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.

During the year the Office of the Special State Prosecutor for Organized Crime and Corruption secured convictions in a series of high-profile public corruption and organized crime cases and worked to recover almost 30 million euros (\$33 million) in assets. The former president of the State Union of Serbia and Montenegro and senior DPS official, Svetozar Marovic, pled guilty to charges of corruption and abuse of power and agreed to serve four years in prison, to return one million euros (\$1.1 million), and to donate 100,000 euros (\$110,000) to charity. Authorities continued to seek recovery of illegal assets as a result of this conviction.

Corruption watchdogs contended that excessive discretion granted to officials in the disposition of public property encouraged corruption. The media extensively covered the alleged misappropriation of funds by the Commission for the Allocation of Funds from Games of Chance and the Minority Fund.

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 (\$5,500). Officials must report any gift exceeding 50 euros (\$55) to the Agency for the Prevention of Corruption. Violations of the obligation to file and disclose are subject to administrative or misdemeanor sanctions. Most complied with the requirements in a timely fashion. In the first six months of the year, the agency, filed 272 requests for initiating misdemeanor proceedings against public officials (89 state and 183 local officials) who did not submit regular annual reports on income and assets, and thus did not meet their legal obligation.

Public Access to Information: The law provides for public access to government records, but officials did not always provide such access, particularly to information about the privatization of publicly owned assets. The law imposes restrictions related to confidentiality and personal data protection. Fines for government agencies that fail to comply with the law on access to information range from 500 to 2,000 euros (\$550 to \$2,200). Some ministries responded to information requests, while others at times publicly criticized the requests.

Some NGOs reported that officials frequently failed to respond to their requests for government-held information or responded only after considerable delay. According to the Agency for Protection of Personal Data, government institutions often excused their refusal to provide information that might reveal corruption or illegal activities by claiming that the release of the information would compromise confidentiality and state interests and involve the release of personally identifiable information.

Persons whose request for information is denied can appeal to the Agency for Protection of Personal Data, which generally sided with the appellant. In 2015 the agency addressed 1,513 such appeals and found that 1,102 denials were improper.

When government information was available, individuals could generally access it free of charge, but in specific cases processing fees were required to cover the cost of service for the institution providing the information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were 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, the government, through opaque discretionary funding, played an active role in deciding which NGOs would receive assistance and which would not. The Office for Cooperation with NGOs, the principal mechanism for providing assistance, remained underdeveloped and understaffed. During 2013-15, the government allocated 9.2 million euros (\$10.1 million) for NGO funding.

Government Human Rights Bodies: The protector of human rights and freedoms serves 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 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 (\$550 to \$2,750). 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.

In January, four years after its founding, the government dissolved the Antidiscrimination Council without any explanation or public consultation.

Parliament has an 11-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. In most cases the penalty provided by law for rape, including spousal rape, is one to 10 years in prison. When the victim is younger than 14, suffers serious bodily injury, or is the victim of several perpetrators, punishment may be more severe. Actual sentences were generally lenient, the average being three years.

In 2015 prosecutors received six police reports of rape and dismissed four of them. They indicted two persons. Local criminologists believed that, for every reported case of rape, there were at least five unreported cases. The NGO Center for Women's Rights reported that abused women or victims of rape often did not report the crime due to a fear of reprisal, economic dependency on the perpetrator, lack of information, physical and social subjugation, lack of measures to prevent reoccurrence, or social stigma.

Domestic violence is generally punishable by a fine or a one-year prison sentence. In cases of serious bodily injury or violence against children, punishment ranges from one to five years in prison. If the violence results in death, punishment can be up to 12 years in prison.

According to NGO reports, courts often failed to prosecute domestic violence. When they did so, sentences were lenient. Victims and families commonly viewed civil proceedings as substitutes for prosecution. Termination of prosecution was frequent, particularly in cases of "reconciliation" among the parties or "withdrawal" of the victim's accusation. 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. In its National Strategy on Family Violence 2016-2020, the government identified three main problems: a

large disparity between the number of reported cases at social centers and the number of prosecuted cases; a high number of repeat offenders; and victims' economic dependence on their abusers.

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.

Authorities were aware of the problem of domestic violence but did not allocate adequate resources for the accommodation and care of victims, removal of violent persons from families, or other efforts necessary to combat it effectively. 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.

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. More victims reported instances of family violence due to the hotline's availability. In the first half of the year, the national hotline received 1,705 calls from 309 persons. The NGO that operated the hotline submitted 63 reports to police, who initiated misdemeanor proceedings in 25 cases and criminal proceedings in four. Police dismissed 34 reports. The performance of personnel responsible for assisting domestic violence or rape victims was mixed. Many lacked the requisite training to be able to assist victims effectively.

NGOs working to combat domestic violence had to rely largely on international donor assistance. Nongovernmental shelters provided victim protection but struggled to secure adequate funding for victim reintegration. NGOs operated three shelters for victims of domestic violence--two in the central part of the country and one in the north. Women's advocacy groups worked to fight domestic violence through awareness-raising campaigns and to improve women's access to legal services and workshops.

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.

Reproductive Rights: The government recognized the right of couples and individuals to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, and violence. Due to poor education and harsh living conditions, Romani women seldom visited gynecologists, obstetricians, or any other doctor and had the least access to family planning counseling and gynecological services with negative consequences for their health and for infant mortality rates.

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.

Traditional patriarchal ideas of gender, according to which women should be subservient to male members of their families, resulted in continued discrimination against women in the home. Less educated women or those living in rural areas often encountered attitudes and stereotypes that perpetuated their subordinate position in the family and society.

Widespread discriminatory cultural norms prevented women from participating equally in all areas of social development and generally discouraged them from seeking work outside the home. During the year the government amended the Law on Social and Child Care to introduce pension benefits for some mothers of three or more children. Some NGOs criticized the law as discriminating against men, and encouraging women to leave the workforce.

Women owned 9.6 percent of companies, although many more managed the day-to-day affairs of businesses. One major reason for the low level of female business ownership was that inheritance practices more often provided men with the necessary collateral. The Department for Gender Equality worked to inform women of their rights, and 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.

During the year the government conducted a campaign to prevent discrimination against women and strengthen women's political participation.

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.

UNHCR continued to work with authorities to address low rates of birth registration among Kosovo IDPs, but progress was slow. Of 28 unregistered children of Romani and Balkan Egyptian parents whom UNHCR presented to authorities in 2015, authorities registered six.

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.

In the Romani, Ashkali, and Balkan Egyptian communities, traditional values, societal prejudice, and a tendency to leave school prematurely limited educational opportunities for girls. The percentage of children attending school was much lower for Romani children (51 percent) and Balkan Egyptian children (54 percent). Although the situation improved as more Romani children enrolled in school, the majority did not finish secondary school, and few enrolled in university programs. During the year 1,438 Romani and Balkan Egyptian students attended primary

school, but only 99 students from these communities attended secondary school, and 20 attended university. During the 2014-15 academic year, the primary school dropout rate for students belonging to the Romani, Ashkali, and Balkan Egyptian minorities was approximately 40 percent. Obstacles to education included poverty, lack of fluency in the Montenegrin language, lack of identity documents, and community pressure to contribute to family income from a young age. Girls were more likely than boys to leave primary school. NGOs reported that many parents did not want their children, particularly girls, to go to school, preferring that they stay at home and marry at an early age.

A government commission responsible for monitoring school dropouts achieved no substantial results. To assist the education process, authorities hired 21 aides to provide 21 Romani children with more individualized attention in secondary schools. To encourage attendance, the government also 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 (\$66 and \$165), respectively. There were no textbooks in the Romani language, but the government financed a Romani dictionary.

Roma and Balkan Egyptians often lived far from schools. A large majority of families from these communities could not afford to pay for safe transport to and from school; according to parents, free transport was often not available.

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. In 2015 the country's social centers registered 12 cases of sexual abuse of children, 89 cases of physical abuse of children, and 169 cases of emotional abuse. 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, but 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.

Observers noted the continuing absence of a registry of child sex offenders. Authorities did not prosecute or fine offending media outlets for violation of the prohibition against publishing the names of children who were victims of abuse.

The UN Children's Fund published a study showing that 55 percent of the country's citizens did not believe that there was child abuse in the country. The study also reported that 37 percent of children also experienced some sort of harassment online.

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.

Authorities considered such common law marriages illegal. Punishment for arranging forced marriages ranges from six months to five years in prison. NGOs reported that the parents of some girls sold them into marriage, including to foreigners. 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 and prosecuting persons who arranged early marriages. During the first seven months of the year, the government's office against human trafficking identified four cases of early arranged marriages.

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. In 2015 one criminal case of brokering in prostitution involved three minors.

Child pornography is illegal, and sentences 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 disabilities in employment, education, health care, pensions, allowances, family care and support, building, information, air travel, and road and railway transportation. The government did not enforce these laws 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. The government allocated funds for the construction of accessibility ramps in 13 key facilities across the country. In 2015 the government completed construction of ramps in five buildings, including the parliament building and the center for social welfare. Some NGOs stated the improvements still did not meet international accessibility standards. Although election laws specifically require accessible polling places, the majority of polling stations were not.

Although legal support for persons with disabilities improved and their visibility increased somewhat, they remained among the most vulnerable members of society. 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 lack of faith in the legal system based on 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. In 2015 the ombudsman received six cases involving discrimination against persons with disabilities.

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. Following adoption of amendments to the Social and Child Protection Law, the government also increased financial assistance to unemployed parents of children with disabilities.

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. There was a widespread public perception that children with disabilities were ill and should be institutionalized and separated from other children. During the year the government continued to assign assistants to schools to help children with disabilities. The government operated nine day-care centers for younger children with disabilities. Children with disabilities attended primary and, to a lesser degree, secondary schools in both regular schools and specialized schools for children with disabilities. There were three specialized schools, two in Podgorica and one in Kotor. Some state university campuses were partially accessible.

Medical care for persons with mental disabilities remained inadequate. 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.

According to the Roma Education Fund, the poverty rate among the 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.

Romani, Ashkali, and Balkan Egyptian children experienced discrimination in school (see section 6, Children).

Unlike other minorities, Roma, Ashkali, and Balkan Egyptians lacked political representation in the national and local parliaments. The law providing for political representation of Roma in the national parliament was not properly implemented. The leaders of other ethnic minority communities continued to allege they were underrepresented in parliament, government administration, the judiciary, and government-owned economic enterprises.

Some Albanian groups claimed that authorities' refusal to meet their request that the Tuzi area of the Podgorica municipality become a separate municipality constituted discrimination against them.

Albanians and Bosniaks in the northern and southern parts of the country frequently complained they were victims of central government discrimination and economic neglect. A few activists alleged this disparity was an intentional policy designed to compel them to leave the country in search of economic opportunity. 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, particularly the Romani and Serbian 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. LGBTI activists noted that members of the community did not report some violent attacks against them to police because the victims were afraid of further victimization generated by their complaints. In September there was a vicious physical attack on a minor for his perceived sexual orientation and public support of the LGBTI community. 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.

LGBTI persons and their supporters experienced continued societal discrimination, ostracism, public hostility, and violent abuse. 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. There were reports of intolerance by medical practitioners toward gay persons, and representatives of the Serbian Orthodox Church often spoke publicly in a prejudicial manner against LGBTI persons. During 2015 prosecutors investigated 11 cases of alleged discrimination against LGBTI persons and brought charges in five.

LGBTI rights NGOs Forum Progress and Queer Montenegro protested the poor implementation of the government's national LGBTI strategy.

The Administrative Court dismissed an appeal by the NGOs Forum Progress and Hiperion Niksic of three refusals by Niksic police to issue a permit to hold a gay pride parade in 2015. The NGOs alleged the police ban violated their constitutional freedom of assembly. Police cited security reasons for their refusals.

Approximately 200 persons, accompanied by a reduced police presence compared with earlier years, marched peacefully in the Fourth Podgorica Pride Parade on December 17. Minister of Human and Minority Rights Mehmet Zenka, Minister of Culture Janko Ljumovic, representatives of political parties, civil society

activists, and members of diplomatic corps joined the organizers from LGBTI rights NGOs.

NGOs reported that police cooperation with the LGBTI community improved, but some prosecutors and judges demonstrated prejudice against LGBTI persons. Every police station had an officer whose duties included monitoring observance of the rights of LGBTI persons. During the year the police administration formed a “team of confidence” in cooperation with LGBTI NGOs 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 range from minor fines to imprisonment for one year and 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, government enforcement of the law was not effective. Authorities made minimal efforts to investigate or identify victims of forced labor. The law specifies a maximum of 10 years imprisonment for offenses related to forced labor and was 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.” 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. The law specifies fines ranging from 2,000 to 20,000 euros (\$2,200 to \$22,000) for violations of these provisions, which are adequate to deter violations. The Labor Inspectorate lacked office space, funds, 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 2015 inspectors found 25 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 family 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. 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 claimed that most children engaged in begging came from Kosovo and Serbia. 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. Penalties took the form of fines, which were inadequate to deter violations.

The government generally did not enforce antidiscrimination laws and regulations effectively, and there were instances of discrimination on these bases. Authorities required employers who failed to meet established hiring quotas to contribute to the Fund for Professional Rehabilitation and Employment of Persons with Disabilities. The State Employment Agency organized the fund and appropriated three million euros (\$3.3 million) for it. Employers often preferred to pay the contribution rather than meet the quota. There were reports of malfeasance in connection with the fund, and a significant portion of the resources allocated to it was returned to the general government budget at the end of the year.

Persons with disabilities faced significant discrimination in employment despite the existence of positive discrimination programs that provided significant financial enticements to employers to hire persons with disabilities. According to the state employment agency, only 2 percent of persons with disabilities were employed. Advocates noted that training programs for persons with disabilities

were too few 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 toward 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 toward the family adversely affected 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 army and police force.

Bosniaks, who account for 9 percent of the country's population, constituted 6 percent of the government workforce. Romani, displaced persons, refugees, and migrant workers faced employment discrimination. Migrant workers usually came from Serbia, Bosnia and Hercegovina, 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 average monthly net salary in July was 496 euros (\$546); the monthly food basket of basic items cost 806 euros (\$887). The national monthly minimum wage was 193 euros (\$212). The government set the absolute poverty line at 186 euros (\$205) per month. The government's statistics office estimated that 8.6 percent of the population, or 54,000 individuals, lived below the poverty line in 2014. Nearly 18 percent of citizens in the north lived below the poverty line, compared with 6.3 percent in the central and 6.4 percent in the southern parts of the country. 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 but did not do so effectively in either the formal or the informal sectors. Of 35 inspectors who performed labor-related and employment inspections, nine conducted workplace safety inspections, which was sufficient to enforce compliance. Resources, remediation efforts, and investigations were not adequate to identify, enforce, or prevent violations in either the formal or the informal economies. 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 ranged from a fine to a one-year prison sentence and 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) accused government institutions of violating laws on overtime, night work, holidays, social insurance contribution requirements, and other administrative regulations.

Both employers and workers violated health and safety rules, particularly in the construction, electric power, wood-processing, and welding industries. During the first nine months of the year, there were seven work-related deaths and 18 serious injuries. 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 and/or inadequately maintained equipment.