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2009 Human Rights Reports: Montenegro

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Montenegro is a mixed parliamentary and presidential republic with a population of approximately 670,000. Both the unicameral parliament (the Assembly) and the president are elected by popular vote. International observers reported that parliamentary elections held in March met almost all international standards, but problems, such as the use of offices for both government and political party purposes, underscored the need for further democratic development. Civilian authorities generally maintained effective control of security forces.

Human rights problems included: police mistreatment of suspects in detention, substandard prison conditions, abusive and arbitrary arrests, police impunity, lengthy pretrial detention, delayed and inefficient trials, widespread perception of corruption in law enforcement agencies and the judiciary, physical assaults on journalists, excessive monetary judgments against the media for slander, denial of public and press access to information, mistreatment and discrimination against the large number of refugees and internally displaced persons, sectarian intolerance and homophobia, discrimination against women, trafficking in persons, and discrimination against ethnic minorities, particularly Roma.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. On the night of June 9 in Gornja Polja, Mojkovac municipality, off-duty policeman Rade Popovic reportedly punched Danijel Dedeic in the face. On June 14, Dedeic died. The High Court opened an investigation of Popovic and detained him. The case was ongoing at year's end.

Authorities pursued several cases of alleged war crimes during the year. On March 19, after the suspects had engaged in hunger strikes and made complaints regarding their prolonged detention, the trial began of eight officers and soldiers of the Podgorica Corps of the former Yugoslav Army on charges of killing 23 Albanian civilians in Kaludjerski Laz near Rozaje in 1999. The killings occurred as the Albanians were trying to escape from the war in Kosovo during the NATO intervention. The trial continued, following interruptions, at year's end. All of the alleged victims' families also filed civil suits. On December 7, the Podgorica Basic Court decided one civil case, requiring the government to pay 15,000 euros (\$21,450) to Hadzija Ahmeti from Novo Selo (near Pec, in Kosovo) for mental anguish.

During the year the Bijelo Polje Superior Court completed an investigation of allegations that seven former military and police personnel committed war crimes against Muslims in 1992 and 1993 in the Bukovica region. The court forwarded the case for further action to the special prosecutor for suppression of organized crime, corruption, terrorism, and war crimes. Several families whose members were victims of the alleged crimes filed civil suits with the Podgorica Basic Court.

On January 19, the deputy special prosecutor charged nine defendants in connection with the deportation of Muslims and Serbs who fled Bosnia in 1992 to the Republika Srpska; he ordered that they be detained. While four defendants were taken into custody immediately, five remained at large at year's end. A trial of all of those charged began on November 26. The deported Bosnians reportedly were killed by Republika Srpska forces, and the deported Serbs, mostly deserters from the Republika Srpska army, were turned over to that army. During the year the private vehicle of Slobodan Pejovic, a witness in the case and a former police inspector from Herceg Novi, was vandalized three times. The perpetrators were not found. Pejovic said that he had received information that he could be killed by some members of the Agency for National Security to keep him from appearing at trial. Police officials described Pejovic's statements as exaggerated and called on him to identify the persons who threatened him. Pejovic refused formal witness protection but agreed that police should look after his house, car, and other property. Local nongovernmental organizations (NGOs) appealed to authorities to give Pejovic adequate protection.

On March 12, in the Podgorica Superior Court, the trial began of six former Yugoslav People's Army soldiers and reservists accused of war crimes in the Morinj prisoner of war camp; it continued during the year. Five defendants pled not guilty, while one remained at large and was being tried in absentia.

In May an investigating judge of the Podgorica Superior Court acquitted three Yugoslav Army pilots of war crimes in Metkovic,

On November 20, the police in Podgorica arrested Stanko Kovacevic, based on a 2001 Interpol arrest warrant issued in Zagreb alleging that he committed war crimes in Croatia during the 1990s. At year's end he was awaiting extradition.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, police at times beat and harassed suspects while arresting them or detaining them for questioning.

On December 22, the NGO Youth Initiative for Human Rights (YIHR) asserted that the number of cases of police misconduct decreased during the year.

Authorities informed the Council of Europe's (COE's) Committee for the Prevention of Torture (CPT) that in 2007 district attorneys received 92 cases involving allegations of torture and abuse. Prosecutors pressed charges against 30 persons and declined to press charges against 34. Including held-over cases, prosecutors reviewed a total of 157 and indicted a total of 96 persons. During the same year, the courts resolved 46 cases of torture and mistreatment and rendered 25 guilty verdicts, nine acquittals, and 12 dismissals for lack of evidence. Two of the guilty verdicts resulted in prison sentences, five in fines, and 18 in suspended sentences.

A CPT visit took place in September 2008, but the CPT did not publish its report during the year. The NGO Human Rights Action appealed to the government to make its findings public, as the NGO believed the report's findings might disclose some human rights violations.

Although there is a legally mandated agency, the Council for Civilian Control of Police Operations, to which citizens could address complaints of abuse, it could only make recommendations. Since its establishment in 2004, the council has reviewed and forwarded approximately 350 citizen complaints. In some cases police failed to respond to these recommendations.

During the year the Department for Internal Control of Police Administration received 137 complaints about police conduct and found 113 justified and 23 unjustified (one case was pending). Police stated that they took disciplinary actions in response to those complaints they considered justified. There were 65 (32.5 percent) fewer complaints during the year than in 2008.

There were reports that police often filed countercharges against individuals who reported police abuse. Partly as a result, there was a widespread belief that citizens often failed to report mistreatment.

During the year there were a number of incidents in which authorities were charged with, or convicted of, mistreating persons in their custody. For example, on May 10, police officer Kenan Osmankadic wounded mental patient Batric Knezevic in the lower leg as police were escorting Knezevic to the mental hospital in Kotor. Authorities acknowledged that Osmankadic made some professional mistakes and pressed charges against him.

On June 18, Mladen Stevic received serious body injuries when he allegedly jumped with tied hands from the second floor of the police station in Bar. Police stated that Stevic tried to escape from the police station while he was talking with his attorney. Police internal control officials concluded that police officers on duty acted in accordance with their responsibilities.

On September 14, the Podgorica prosecutor filed charges against six police officers accused of beating Aleksandar Pejanovic while he was in custody. On December 15, during the trial, one of the indicted police officers, Goran Stankovic, alleged that several of his colleagues, mostly supervising and higher-ranking officers, committed a series of offenses related to ordering, enabling, and covering up the torture of Pejanovic, including forging official records. Stankovic's statements fully corresponded to Pejanovic's allegations, including the claim that several masked men in police uniforms beat him on several occasions in police detention. Authorities had arrested Pejanovic for allegedly assaulting a police officer during a protest against the government's decision to recognize the independence of Kosovo in October 2008.

On November 10, the Podgorica Superior Court overturned a verdict by a court of first instance that had found five members of the government's special antiterrorist unit guilty of exceeding their authority. The alleged abuses occurred during a 2006 raid in which members of the unit arrested 17 persons, who were subsequently convicted of participation in a terrorist plot. The initial court finding concluded that the five had acted as "coexecutioners" of the torture and abuse of the father of two of the plotters.

Trials were underway or pending in a number of cases involving earlier alleged police misconduct, including six police officers in Bar (Nesko Jaredic, Veselin Buskovic, Rifat Ramusovic, Ivica Raicevic, and Jagos Pivljanin) charged with beating Predrag Djukic and Ivan Abramovic in a police station in 2007, and two former police officers charged with abuse of power, extortion, and mistreatment of a flower seller in Herceg Novi.

No new information was available concerning the investigation of former Podgorica police chief Milan Vujanovic, who reportedly ordered the beating of prisoners during a raid on Spuz prison in 2005.

During the year the Berane Basic Court charged police officers Ivan Bojovic, Nebojsa Veljic, and Zeljko Devic with abusing four Kosovo Albanians detained in 2007. The trial was pending with the Berane Basic Court at year's end.

On December 22, YIHR reported that the number of cases of politically motivated violence, including physical and verbal assaults against journalists, NGO activists, professors, and public figures, increased during the year.

Prison and Detention Center Conditions

Prisons, and especially facilities for pretrial detainees, did not meet international standards and were dilapidated, overcrowded, and poorly maintained, although there were some improvements. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

The law permits inmates to serve their sentences through voluntary service in a state institution or agency, but this alternative, which observers have noted could reduce overcrowding, was used only in a few cases.

In June detainees in the pretrial detention unit of the Spuz prison carried out two strikes protesting prison conditions. During the year one prisoner tried to commit suicide.

Although the Spuz prison hospital contains a department for treating alcoholics and drug addicts, it was overcrowded, and such prisoners, along with mentally ill prisoners, were often treated in the Kotor psychiatric hospital, which lacked the facilities and personnel to house mentally ill patients together with dangerous convicts.

On October 30, inmate Alen Harovic was found dead in his cell at the Spuz prison. An investigation showed that he died of a heroin overdose. The Podgorica Superior Court opened an investigation of four persons for distributing heroin inside the prison. Disciplinary procedures were initiated against five prison wardens, and the prison director resigned.

Inmates Dalibor Nikezic and Igor Milic claimed that on October 27, wardens in the Spuz prison brutally beat them. Their families filed legal charges against prison officials for mistreatment, and the case was pending in the basic court in Danilovgrad. The prison director stated that wardens acted in line with their authorities. Deputy ombudsman Marijana Lakovic, who visited Dalibor Nikezic in prison, said that he had visible injuries on his body and wanted to have the right to file a legal suit with the competent authorities.

An investigation continued during the year of two female prison guards accused of beating and injuring detainee Vladana Kljajic in the women's detention unit in the Spuz Prison. Prison authorities claimed that Kljajic broke prison rules and was appropriately disciplined but not beaten. Prison authorities filed charges against Kljajic for assaulting an official, while Kljajic's mother filed charges against the prison wardens.

In October the Ministry of Justice reported that officials at the Spuz Prison had fired a prison employee for stealing money from prisoners.

In September the total prison population was 1,395, of whom 795 were convicts and 600 were detainees.

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

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

Authorities completed a project to equip detention units in all police stations with video surveillance equipment in an effort to reduce police abuse. The main prison in Spuz opened a new pavilion to house 144 minors, women, foreigners, and inmates serving sentences of less than six months. The government renovated existing facilities and installed a permanent water supply to the prison; however, adequate facilities for treating mentally ill prisoners or those with special needs were lacking.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The national and border police were responsible for law and order. They worked under the supervision of the Ministry of Interior and Public Administration and were generally effective. By the end of the year, internal control responsibility was moved from the Police Directorate to the Ministry of Interior and Public Administration in an effort to improve control of the police force. The country's security organization, the National Security Agency, is a separate entity within the Ministry of Interior and Public Administration. Its responsibilities include intelligence and counterintelligence. The Ministry of Defense is responsible for military and security matters.

The Assembly's Committee for Defense and Security held regular meetings with the directors of police and the National Security Agency. Parliament is responsible for overseeing the democratic and civilian control of the army and security services; however, there is no specific law to regulate parliamentary oversight of defense and security. Pursuant to the amendments to the Law on Secrecy of Information, Assembly members sitting on the Committee for Defense and Security have access to classified documents without prior approval or security clearances.

Police corruption and inappropriate government influence on police behavior remained problems; the small, close-knit society discouraged the reporting of corruption and made criminal's access to law enforcement officers easy.

According to the COE's Commissioner for Human Rights, who visited the country in June 2008, "criminal proceedings against law enforcement officers for extortion of evidence, mistreatment, torture, or abuse of office seldom occurred and were not conducted efficiently. Courts rendered verdicts in a small number of reported cases but only issued admonitions, suspended sentences, and fines." During the first eight months of the year, authorities dismissed one officer and fined eight for abuse of office and exceeding authority.

During the year the Interior Ministry's Internal Affairs Unit took disciplinary measures to address those problems. Internal investigations, combined with the work of the ombudsman and human rights activists, reduced impunity. In response to reports of police misconduct, authorities usually reacted more rapidly to discipline the officers responsible. The Organization for Security and Cooperation in Europe (OSCE) and foreign donor governments provided training for police, security, and border and customs officers on combating terrorism, corruption, and money laundering.

According to a report by the European Commission, there was "some progress" in the area of policing and police reform in the year that ended in August, and a "track record" was being established in this regard. The commission reported that disciplinary measures were imposed on 124 police officers in this period, while from February to July criminal charges were brought against 27.

Arrest Procedures and Treatment While in Detention

Arrests require a judicial warrant or a "strong suspicion that the suspect committed an offense." Authorities may detain suspects for up to 48 hours before bringing them before a judge and charging them. At arraignment the judge makes an initial determination about the legality of the detention. In practice arraignment generally occurred within the prescribed period. The law permits a detainee to have an attorney present during police and court proceedings. Detainees generally had prompt access to family members. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail. The law sets the initial length of pretrial detention at 30 days with a possible extension to five months. These time limits were generally respected.

Police continued to summon suspects and witnesses to police stations for "informative talks" without holding them for extended period of times in most cases. In principle, those who have been summoned have the right not to respond.

The law forbids use of force, threats, and coercion by police to obtain evidence; however, there were a few allegations that police sometimes used those methods to obtain evidence.

Long trial delays, combined with difficulties faced by detainees in meeting bail conditions, frequently led to lengthy pretrial detention. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however such delays occurred regularly. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial without any apparent reason, and trials themselves were subject to frequent interruptions. Pretrial detainees on average accounted for 50 percent of the prison population. The average length of pretrial detention was approximately six months.

Amnesty

Officials pardoned 28 inmates under the country's amnesty law.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, some observers asserted that the judiciary was not always independent and that government officials at times influenced prosecutors for political and personal reasons. Some observers contended that the executive and legislative branches, through the process of proposing and adopting the budget for the courts, could influence the independence of the judiciary. Some contended that the regulation of housing allocations for judges, who receive state-funded housing, should be more transparent in order to eliminate any concerns about inappropriate influence. Some observers also asserted that the system of appointing judicial and prosecutorial officials contained inadequate protections against political influence on the judiciary.

Insufficient cooperation between police and prosecutors, a large backlog of cases, frequently primitive courtroom facilities, and judicial corruption also remained problems. Many cases took years to resolve; however, courts made progress in reducing the backlogs of civil and criminal cases.

The court system consists of basic courts (courts of first instance), superior (district) courts, commercial courts, a Court of Appeals, an Administrative Court, the Supreme Court, and the Constitutional Court. On July 27, a new criminal procedures code was adopted that transfers investigative powers, previously vested in courts, to prosecutors and introduces plea-bargaining for all cases with punishment up to 10 years.

The Judicial Council is responsible for the election, discipline, and removal of judges. Since the existing Judicial Council was established in 2008, several judges have been fired, suspended, or sanctioned for unprofessional behavior. On June 1, the Judicial Council prohibited judges from sitting on various commissions (for restitution, election, etc.), due to the incompatibility of such service with the judicial function.

Authorities generally respected and implemented court decisions, although often with delays.

On July 30, the Court of Appeals confirmed the August 2008 conviction of 17 persons, including four foreign citizens, of planning a rebellion against the government in 2006 with a view to creating an autonomous region for ethnic Albanians. During the year five of those convicted completed their sentences and were released from prison.

In July the Assembly enacted a Law on Cooperation with the International Criminal Court (ICC), which provides for an immediate response of domestic courts and state institutions to requests from the ICC and asserts the competency of domestic courts to try war crimes committed on its territory by its nationals.

On October 23, Judge Lazar Akovic of the Superior Court resigned after the Judicial Council agreed to Superior Court President Musika Dujovic's proposal that dismissal proceedings be initiated against him. He was accused of improperly carrying out a judicial function in the case of the 2005 killing of police officer Slavoljub Soekic (see section 2.a.). The press reported that Akovic accused Dujovic of initiating the dismissal proceedings because of personal animosity and pressure from "high circles." A number of human rights activists and media sources expressed respect for Akovic and regret over his departure.

On March 6, police arrested Arif Spahic, a judge of the Bijelo Polje Superior Court, on suspicion of taking a bribe to reduce a sentence and release a man convicted of vehicular homicide. Police also arrested the secretary of the municipality of Bijelo Polje, Dzermal Ljuca, and accused him of brokering the deal. They were also seeking Nenad Brckvak, who was accused of offering and paying the bribe. The investigative judge ordered 30 days' detention for Spahic and Ljuca.

Trial Procedures

Criminal trials are generally public, but sessions may be closed during the testimony of a state-protected witness. Juries are not used. Professional judges preside over trials. Lay judges assisted them in determining verdicts but the judges generally make the sentencing decision on their own. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner in pretrial and trial proceedings. Defendants have a right to an attorney; an attorney is generally provided at public expense when a defendant is destitute or following indictment on a charge carrying a possible sentence greater than 10 years in prison. Defendants and their attorneys have the right to access government-held evidence relevant to their cases; defendants enjoy a legal presumption of innocence. Courts may try defendants in absentia as long as they repeat the trials if convicted individuals are later apprehended. Both the defense and the prosecution have the right of appeal. The government at times influenced the judiciary--for example, in some trials for slander or corruption involving prominent persons or senior officials--and such influence contributed to continued public distrust of the judiciary; however, defendants' rights were generally respected and extended to all citizens.

A report on a two-year OSCE-sponsored trial-monitoring project, completed in June, indicated that progress was made in prosecuting cases but also noted problems with the duration of trials, their fairness, and the insufficient capacity of the judiciary. However, backlogs in civil and criminal cases have been reduced, and the Judicial Council continued to redistribute cases to courts that were less burdened to meet increasing caseloads. The courts gave priority to cases related to corruption, organized crime, and war crimes. A COE report issued in September described the country's progress in reducing backlogs court cases as "impressive."

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, or cessation of, human rights violations. Although parties have brought suits alleging human rights violations and at times prevailed, there was high public distrust in the independence of the judiciary, which discouraged some citizens from making use of these procedures.

Citizens may also appeal violations of their human rights to the Constitutional Court and, after national remedies are exhausted, to the European Court of Human Rights (ECHR). At year's end 300 cases involving the country were pending before the ECHR. Most related to property restitution, property rights, length of pretrial detention, media freedom, treatment of citizens by police, the right to a timely trial, and slander. On April 28, the ECHR issued its first ruling against the country for a violation of the European Convention on Human Rights. It related to a disputed eviction. Authorities immediately implemented the ruling.

In July an attorney filed a claim for 1.1 million euros (\$1.6 million) in eight cases (involving 46 plaintiffs), related to the 1992 deportation of Muslims and Bosniaks to Republika Srpska in Bosnia and Herzegovina (BiH), where they subsequently were killed or disappeared. These cases were in addition to earlier ones in which 196 plaintiffs were awarded 4.1 million euros (\$5.9 million). Litigation over one of the eight new cases was underway at year's end.

Property Restitution

There was no reported progress on the restitution of church property; most claims involved property taken after 1918 and 1945. The Montenegrin Orthodox Church and the Serbian Orthodox Church had outstanding property restitution claims. The Roman Catholic Church and Islamic community also asserted claims to property in several locations. The Jewish community from Belgrade, Serbia, asked for the return of a rest and rehabilitation center for women in Pr?anj, in the municipality of Kotor.

The Law on Restitution provides specific remedies for seeking restitution of private property but envisages that separate legislation, not yet adopted, would govern property confiscated from religious communities. Consequently, religious communities could file restitution claims, but authorities could not take action on them. The number of unresolved restitution claims related to religious property was unknown, but the Ministry of Finance confirmed that all three primary religious communities (Orthodox, Catholic, and Muslim) had submitted claims.

The restitution of private property seized since 1945 continued during the year. Of the 11,200 applications filed with the competent commissions since the process began in 2004, the commissions had approved 969 by the end of August.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. The law requires the National Security Agency (NSA) to obtain court authorization for a wiretap; however, some observers believed that authorities selectively used wiretapping and surveillance against opposition parties and other groups without court authorization. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance. An opposition party leader and a member of the Parliamentary Council for Defense and Security claimed that a group of operatives within the Defense Ministry abused the technical devices alleging that they illegally performed some intelligence activities. The Ministry of Defense denied those claims.

In his reply to questions from members of parliament, the interior minister said that during the year different forms of secret surveillance were employed in 24 cases.

During the first nine months of the year, one citizen requested permission to inspect secret files kept by security services from 1945 to 1989. The NSA responded that there was no information concerning that person.

During the year the Constitutional Court did not respond to a complaint filed by the Network for Affirmation of the NGO Sector (MANS), challenging the law giving police direct access to the databases of mobile telephone providers without judicial oversight for the purpose of monitoring potential criminal activity. MANS asserted that this violated citizens' rights to privacy. Police responded that all communications monitoring had to be approved by the competent prosecutor's office.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

The print media consisted of private newspapers and a state-owned newspaper with a national circulation. The independent media were active and generally expressed a wide variety of political and social views without government restriction. The government did not restrict the distribution of foreign publications.

A 2008 attempt by the government to sell off 51 percent of its shares in the public company that publishes the state-owned newspaper failed. The only bidder withdrew after lengthy negotiations. A previous tender in 2007 also failed when no company placed a bid. No tender was offered during the year, leaving the legal requirement to privatize the state-owned newspaper unfulfilled at year's end.

Opposition politicians criticized the government's September 11 decision to name the political director of the ruling Democratic Party of Socialists (DPS) and three more members of the ruling coalition as the government's representatives to the five-member board of the state-owned newspaper. They asserted that the newspaper clearly favored the government in its reporting.

A wide variety of public and private broadcast media included a national public radio and a television broadcaster; 14 local public radio and four local public television stations; and 41 private radio and 19 private television stations. According to a law on electronic communications that took effect in August 2008, a new Agency for Electronic Communication and Postal Activity (AECPA) was authorized to take responsibility for issuing licenses to broadcasters. AECPA published its first tender for 20 television frequencies on November 26. It blamed the delay on gaps in the law. On December 28, the bids received for the new television frequencies were opened publicly. AECPA promised to announce its decision within 30 days. The private television broadcaster Vijesti, often seen as a strong critic of the government and the prime minister, had accused the government of blocking its access to a wider market for political reasons by delaying the tender process. Foreign governments and international organizations had also expressed concerns over this delay.

Physical attacks on journalists continued to be a problem. On August 3, Mayor Miomir Mugosa of Podgorica, who is also a member of the Assembly and a high official of the ruling DPS, together with his son, Miljan, allegedly attacked Deputy Editor in Chief Mihailo Jovovic and photo-reporter Boris Pejovic of the Podgorica-based daily *Vijesti*. The incident reportedly began while Pejovic was photographing the mayor's official car, which allegedly was parked illegally. Jovovic and Pejovic further claimed that Miljan Mugosa drew a gun during the encounter and that Jovovic suffered a ruptured eardrum. On October 5, the Podgorica prosecutor pressed charges against both the mayor's son and *Vijesti's* deputy editor in chief for committing criminal acts resulting in severe injuries. The investigation also focused on an allegation made two days after the incident that Jovovic injured the mayor's driver, Dragan Radonjic. On November 19, the

Podgorica Basic Court returned the indictment against Jovovic to the prosecution service because it was not corroborated by evidence that Jovovic inflicted heavy corporal injury to the mayor's driver. Following that, the court expert repeated her findings that the driver's injuries contradicted facts alleged in the indictment. Court proceedings continued at year's end.

There were no developments in investigations of several earlier physical attacks on journalists.

Police reported no progress during the year in identifying the perpetrators or the motives behind the May 2008 attack on Milen Stojovic, a journalist of the Serbian daily *Danas* and former stringer for Podgorica-based daily *Vijesti*. Stojovic suffered head and body trauma. He quit journalism in the aftermath of the assault. Police also had not identified the perpetrators or the motives behind the 2007 physical assault on *Republika* correspondent Tufik Softic.

On August 7, the Podgorica Superior Court convicted five members of a criminal gang of murdering senior police officer Slavoljub Scekcic in front of his home in Podgorica in 2005. Three of those charged received 30-year sentences; one received 20 years and one received two years. A sixth defendant, Milan Scekcic, who was charged with being the shooter, was acquitted for lack of evidence. Slavoljub Scekcic was killed while he was investigating a series of bomb attacks at Hotel Splendid on the country's coast. He had also investigated the 2004 killing of *Dan* editor Dusko Jovanovic and other killings that were unresolved at the time. The trial of 10 persons indicted for his murder lasted for more than two years.

On December 23, the Court of Appeals reduced the superior court sentence of Damir Mandic, an accessory in Jovanovic's murder, from 30 to 19 years of imprisonment. The Podgorica Superior Court had previously, on April 27, reversed a lower court acquittal of Mandic.

Officials frequently brought, or threatened to bring, libel suits against media organizations that accused them of wrongdoing. Some NGOs warned that criminal libel charges against journalists could deter them from reporting candidly on events. Criminal libel charges could carry fines of up to 14,000 euros (\$20,000).

On June 28, the Podgorica Basic Court fined the daily newspaper *Dan* 30,000 euros (\$42,900) for defaming Veselin Barovic, Branko Vujosevic, and Danilo Mitrovic, by reprinting articles that originally appeared in the Croatian newspaper *Nacional* in 2001, in which the three were named as members of the country's "tobacco mafia." The court found that *Dan* caused mental pain and damaged the dignity of the plaintiffs.

On September 7, the Podgorica Basic Court fined *Vijesti*, along with Nebojsa Medojevic, the leader of the opposition Movement for Change political party, 33,000 euros (\$47,290) for tarnishing the reputation of the firm MNSS BV, owner of the Niksic Steelworks. The case involved an opinion piece, written by Medojevic and published in February 2008, warning of the potential for money laundering following MNSS BV's purchase of the steelworks. The court dismissed *Vijesti's* argument that, since the article in question was published as an opinion piece by a presidential candidate (Medojevic was running for president at the time) the newspaper could not be held accountable for any damage the article may have caused.

On September 8, the Supreme Court upheld a 2008 superior court ruling ordering the weekly newspaper *Monitor* and its journalist, Andrej Nikolaidis, to pay 12,000 euros (\$17,000) in libel damages to Serbian movie director Emir Kusturica. In a 2004 commentary entitled "Hangman's Apprentice," Nikolaidis claimed that Kusturica was a supporter of former Serbian/Yugoslav president Slobodan Milosevic in the 1990s. The OSCE voiced concerns over the judgment against *Monitor* and Nikolaidis, noting among other things that public figures should demonstrate a greater degree of tolerance of criticism than ordinary citizens and that fines for libel cases should be proportionate to the economic power of the media company and the damage caused.

On October 7, the Podgorica Basic Court fined Petar Komnencic, a journalist for the weekly newspaper *Monitor*, 3,000 euros (\$4,200) for libeling the then president of the Podgorica Superior Court, Ivica Stankovic, in a 2007 article. The article claimed police secretly had wiretapped Stankovic at the request of the special prosecutor for organized crime because of Stankovic's alleged connections with criminals. A former judge of the court, Radovan Mandic, testified during the trial that he and a majority of the other Podgorica Superior Court judges were illegally wiretapped for more than two months in 2005. At year's end a defamation lawsuit Stankovic brought against the *Vijesti* editor in chief was pending. He sued over an article alleging that in a closed session of the Assembly's security committee, the director of police named Stankovic as one of the judges who obstructed several police investigations.

On October 21, the Podgorica Superior Court fined *Vijesti's* director Zeljko Ivanovic and the newspaper's publisher, Daily Press, 10,000 euros (\$14,300) for defaming Prime Minister Milo Djukanovic. Djukanovic sued in 2007 after Ivanovic told reporters he thought Djukanovic had arranged a physical attack on him in retaliation for press coverage of alleged corruption and mafia influence in the government. The Podgorica Basic Court ruled in 2008 that Ivanovic and Daily Press were guilty of defaming Djukanovic and fined them 20,000 euros (\$28,600). *Vijesti's* owners claimed that the conviction and the lawsuit represented an attempt to suppress freedom of expression.

Milan Popovic, a professor at the law faculty in Podgorica, was interrogated by Supreme State Prosecutor Ranka Carapic about issues he raised in a January 26 opinion piece, "Revolutionaries," published in *Vijesti*. In the piece, Popovic alleged that the major problems of the country were corruption, conflicts of interest, and organized crime and referred to allegations that the prime minister was involved in such activities. Popovic claimed that Carapic asked him for evidence to support the allegations. A group of intellectuals protested against the prosecutor's actions, calling it a violation of Popovic's right to freedom of speech.

Despite these developments, observers noted a modest increase in the willingness of the media to criticize the government. The prominence of articles and television programs critical of the authorities during the year suggested that

self-censorship was not a major problem; however, observers noted that some journalists were susceptible to various political and business influences due to their lack of expertise and to their political affiliations.

Government opponents continued to criticize the Assembly's 2008 passage of legal amendments regulating the functioning of the country's public radio and television broadcaster, Radio and Television of Montenegro (RTCG). They alleged that the change in the method of funding of the public broadcaster, substituting government subsidies for user fees, made it more dependent on the government. They also criticized changes in the method of selection of the members of the governing board of the public outlets, increasing the role of the Assembly at the expense of civil society. During the year the Assembly elected all nine members of the RTCG council. Some observers noted that a majority of the nine entities authorized to nominate candidates for the RTCG council were state-funded institutions or organizations and that the public broadcaster favored the government in its programming and reporting.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to data published by the International Telecommunication Union, there were 294,000 Internet users in the country in 2008; government data showed 44 percent of the population using the Internet in December, up from 36 percent in October 2008.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

Citing the organizer's noncompliance with a legal requirement to announce a public gathering in advance, police in May banned a series of assemblies of workers of the Podgorica Aluminum Plant who wanted to demonstrate against the company's management for failing to pay salaries. The workers complained to the Ministry of Interior and Public Administration, asserting that this requirement violated the constitution.

c. Freedom of Religion

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

Religious institutions, organizations, and communities may be formed with prior notification to a local police station. The law forbids the abuse of religious institutions and activities for political purposes. It also forbids actions to prevent or hinder religious services, the expression of religious beliefs, or forced induction into a religious community. However, the law fails to address a number of issues regarding the relations between the state and religious communities. Critics asserted that the law, dating from 1977, contained outdated terms, lacked provisions to prohibit discrimination on the basis of religious affiliation, and failed to set some generally accepted OSCE and COE standards.

On September 2, the Ministry of Economic Development announced the execution of a decision of the former Urban Planning Ministry to remove a Serbian Orthodox church from the top of Rumija Mountain in the southern part of the country. However, the church was not removed by the end of the year.

Societal Abuses and Discrimination

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

On August 23, Sultan Nurkovic from Rozaje attacked Imam Asmir Kujevic on his apartment doorstep. Nurkovic injured Kujevic with a knife, and when police arrived and tried to arrest him, he wounded two of them as well. Nurkovic was believed to be a fundamentalist Muslim who was protesting the imam's method of praying.

On September 23, in the community of Zagoric in Podgorica municipality, the apartment of Rizo Alkovic was spray painted with anti-Islamic graffiti on the second day of the Ramadan Bayram holiday. Police took a statement but initiated no further action. Alkovic accused his immediate neighbors of religious intolerance.

During the year the Serbian Orthodox Church continued to report vandalism of its cemeteries and other religious sites. There were no reports of efforts to apprehend the culprits.

On August 19, followers of the Montenegrin Orthodox Church and Serbian Orthodox Church clashed in Ivanova Korita, near Cetinje, where both groups had gathered to celebrate the holy day of Transfiguration. Media reported that some Serbian Orthodox Church followers locked themselves inside the local church and prevented Montenegrin Orthodox Church Metropolitan Mihailo from serving the liturgy. The incident left three police officers with light injuries.

No new information was available in the case of Miodrag Baletic, head of the Montenegrin Orthodox Church chapter in Niksic, whose car was set on fire in October 2008; or on the 2007 planting of a bomb in Podgorica's New Martyrs' Church belonging to the Serbian Orthodox Church; or on the 2007 removal of a plaque that identified the Islamic community's offices in Bar.

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irfr/>.

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

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

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

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

Internally Displaced Persons (IDPs)

IDPs included the 16,197 persons who fled Kosovo when Montenegro was a part of the Federal Republic of Yugoslavia, mainly ethnic Montenegrins, Serbs, Roma, Ashkali, Balkan Egyptians, Muslims, Bosniaks, and ethnic Albanians, and a number of Albanian citizens, mostly ethnic Serbs and Montenegrins who were granted refugee status under the federal laws of the former Yugoslavia. In addition, the government recognized a separate category of 7,820 "displaced persons" (DPs) that included individuals from Croatia and BiH who fled to Montenegro in 1991 and 1992.

In the view of many observers and the UNHCR, the legal status accorded to IDPs and DPs does not meet the standards of the 1951 Convention relating to the Status of Refugees in terms of access to rights. The temporary nature and less protected status of these groups has left the futures of such persons uncertain and limited their access to important economic and social rights, directly leading to increasing the economic and social vulnerability of the country's refugees.

Treatment of these categories of displaced persons was not equal. The law recognizes DPs as lawful residents, a designation that could lead to citizenship through refugee status or through marriage with a citizen. However, the law omits IDPs from Kosovo from the description of persons meeting the required criteria for lawful residence.

During the year the government completed a program of reregistration of DPs from Bosnia and Croatia and reported that 5,700 of the initial 8,023 successfully registered. IDPs from Kosovo also were reregistered, and their numbers decreased from 16,197 to 10,950, but the government left the registration period open until February 2010 for IDPs who were unable to register for justified medical reasons during the campaign. The reregistration was intended to help authorities decide on the future status of these persons--those who did not register or were not entitled to reregister would not be eligible for "permanent residence" status, while their present status would be terminated.

On September 17, the government adopted a new mechanism for resolving the status of displaced persons from the former Yugoslav republics and IDPs from Kosovo in order to meet the benchmark for visa liberalization with the EU. The new provisions would give such persons the opportunity to seek the status of foreigners with permanent residence, while exempting them from the minimum income and some other requirements usually required of foreigners with permanent residence. In the UNHCR's view, this mechanism involved many difficult hurdles. They would be required to provide valid travel documents from their countries of origin and have no criminal records. The requirement to prove citizenship was of particular concern in regard to the Roma, Ashkali, and Egyptian (RAE) communities, due either to their never having been registered at birth or having their records destroyed during the conflict. However, related legislation permits refugees unable to present a valid travel documents to obtain "temporary" residence for foreigners, with all the rights accorded to the permanently residing foreigner. They will then have three years to obtain valid travel documents and have their status made permanent.

Although UNHCR considers all persons from Croatia, BiH, and Kosovo who sought refuge in Montenegro during the 1990s due to regional conflict to have been "refugees," at the time of their arrival, they had not crossed an international border. However, Montenegrin authorities never recognized these persons as refugees or granted them the same rights as refugees under the Law on Asylum or the 1951 Refugee Convention and its 1967 protocol.

Many IDPs and refugees continued to live in generally deplorable conditions in unofficial collective centers and other accommodations. However, authorities gave them access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. The government did not attack or target IDPs or forcibly return or resettle them under dangerous conditions.

A law governing the employment of aliens entered into force in January. It removes the right of IDPs or DPs to engage in seasonal work, a provision whose implementation was delayed until 2010 after intervention by the UNHCR. However, in

2010 and beyond, IDPs and DP's who have not applied for or received permanent residence will no longer be permitted to work.

During the year the government continued to encourage IDPs to return to their places of origin. Some continued to assert that the government was not providing adequate support to enable them to do so. However, after many years in the country, the numbers participating in voluntary repatriation have declined. During the reregistration 9,949 IDPs expressed their will to remain in the country. Some 1,600 IDPs, mostly RAE, have returned to Kosovo since 2001; 161 returned during the year. Among DP's, only 35 refugees returned to BiH and Croatia in 2006, nine returned in 2007, five in 2008, and 10 in 2009.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. A path to citizenship was effectively accessible to refugees.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. At the beginning of 2008, the government assumed responsibility for refugee status determination, although the UNHCR, which previously exercised this responsibility, continued to provide technical support.

Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, to rejoin family members. However, between 2,000 and 3,000 refugees remained in barely habitable facilities (mainly on the coast) that had been privatized.

Although the 2007 law that governs asylum affords a number of protections, the failure of the government to harmonize other legislation with this law deprived asylum seekers rights to identity documents, the right to employment, and access to health care.

Construction continued on a reception center designed to house approximately 100 asylum seekers. During the year authorities processed 21 asylum applications; no person was granted asylum during the year.

Stateless Persons

The biggest problem related to statelessness was the lack of personal documentation for many inhabitants, primarily in the RAE communities, both those of local origin and those who entered the country from Kosovo. Government data published in May reported a total of 9,934 RAE, of whom 4,476 were RAE refugees from Kosovo. The UNHCR estimated that approximately 1,500 local RAE and 2,200 RAE refugees from Kosovo were at risk of statelessness due to lack of personal documentation, as they were either never registered at birth or lacked proof of registration.

As of year's end, the government had not developed a procedure for systematically identifying, documenting, and registering stateless persons or persons at risk of statelessness. UNHCR experience showed that lack of documentation is the most significant factor leading to statelessness or the loss of an effective citizenship.

The UNHCR continued a regional project, in cooperation with partner NGOs, to register RAE community members and assist them to obtain personal identity documents. In addition, during the year the UNHCR and Legal Center helped approximately 1,800 displaced persons from Bosnia, Croatia, and Kosovo, as well as asylum seekers from Montenegro, to obtain personal documents for submission to various administrative and judicial entities in an effort to obtain access to basic rights.

A further 1,500 persons were at risk of statelessness because they faced difficulties proving citizenship. These were mostly RAE from within the country or Kosovo, and were either never registered at birth or lacked proof of such registration.

The prospect of acquiring citizenship remained problematic for IDPs from other areas of the former Yugoslavia.

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

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

Elections and Political Participation

The OSCE Election Observation Mission stated that the March 29 parliamentary elections met almost all OSCE and COE commitments, although the process again underscored the need for further democratic development. The statement indicated achieving public confidence was a key challenge; it noted frequent allegations of electoral fraud and a blurring of state and party structures that created a negative atmosphere among many voters. As in previous elections, most opposition parties raised issues regarding campaign and party financing and the overlap of state and political party structures. Allegations of pressure on voters and the purchase of voter identification documents again were reported by some opposition parties, the media, and certain individuals.

The March 29 Assembly elections and several local elections were held according to electoral legislation that has not been

reconciled with the constitution adopted in 2007. The deadline for reconciliation had been extended three times. The Assembly established a special working group to change the electoral framework to meet constitutional requirements.

Political parties generally operated without restrictions or outside interference.

The simultaneous use of the same office space by political parties and government entities created the potential for a blurring of their respective roles.

No new information was available on the case of Suad Muratbasic, a former police officer from Rozaje, who filed a civil suit against the Police Directorate. Muratbasic sought compensation on the grounds that he was suspended and then terminated because of his refusal to influence his Muslim neighbors to vote for the DPS during the 2006 Assembly elections.

A teacher in the Dragisa Ivanovic primary school in Podgorica, Aila Soskic, reported to the media that Niko Raicevic, the principal, exerted pressure on teachers to vote for the ruling party in the March 29 Assembly elections. Following a lawsuit filed by Soskic on October 9, the basic court fined Raicevic 2,000 euros (\$2,860) for defamation.

There were nine women in the 81-seat Assembly and one in the cabinet. There was one female mayor in the country's 21 municipalities. Four of the 11 parties in the Assembly had female Assembly members in their respective caucuses.

There were 18 members of ethnic minorities in the 81-seat Assembly and three members of ethnic minorities in the cabinet. The law reserves five Assembly seats for ethnic Albanians. No Roma ran for, or held, a seat in the Assembly, and Roma were significantly underrepresented in the government; only one person of Romani ethnicity held elective office at any level in the country.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials at times engaged in corrupt practices with impunity. There was a widespread perception of public sector corruption, particularly in the executive and judicial branches.

While many prerequisites for effective anticorruption policies were in place, implementation lagged. The World Bank's worldwide governance indicators reflected that corruption was a serious problem. In the first six months of the year, police forwarded 887 corruption cases involving 1,420 persons to prosecutors. In the same period, courts convicted 206 defendants in 151 cases. Local NGOs, media, and opposition political parties accused the government of not taking sufficient measures against corruption and organized crime. No convictions for serious or high-level corruption were handed down by any court during the year, nor were there any reports of investigations of alleged high-level corruption.

Public officials were subject to financial disclosure under a conflict of interest law that requires state officials, including members of the legislature, to disclose their salaries and property. In line with the Law on Prevention of the Conflict of Interest, adopted in December 2008, a Commission for Determining Conflicts of Interest initiated legal proceedings against the 313 state officials (13 percent of all state officials) who failed to comply in 2008 and against 52 during the year. Many observers noted that the law had significant loopholes and that it was weakly implemented in practice.

During the year there was one case of apparent retaliation against a whistleblower for exposing official abuse. On September 22, a veterinarian inspector with 28 years of experience was fired after she made public statements about irregularities in the work of the Veterinarian Directorate and Ministry of Agriculture. According to press reports, in June inspector Mirjana Draskovic filed charges with the Special Prosecutor for Organized Crime against the minister of agriculture, Milutin Simovic, the head of the Veterinarian Directorate, Ivan Popovic, and the chief veterinarian inspector, Biljana Blecic. Draskovic accused them of abusing their positions and disregarding the norms regulating the work of the veterinarian service. On July 21, she filed additional charges alleging that authorities gave illegal authorization for the import of 55 tons of frozen chicken meat from Brazil. The head of the Veterinarian Directorate Ivan Popovic told the press that Draskovic was fired in accordance with the law.

The Center for Development of NGOs called on the president of the National Commission for the Fight against Corruption to review protections for persons who report on corruption.

While open bidding was the most commonly used procedure for public procurement, many auditing reports identified inconsistent or irregular application of legal provisions or circumvention of the law in practice. The Commission for the Control of Public Procurement Procedures received 270 complaints during the year involving violation of procurement procedures. The commission found 86 complaints to be valid and rejected 184.

There was an Office for Reporting Corruption in the Judiciary in the Judicial Council, where citizens can report judicial corruption. However, the authorities claimed that citizens tended to object to the outcome of court decisions, rather than complain about any corruption that might have led to an adverse outcome.

The constitution and law provide for public access to government information; however, overall implementation of the law was weak and inconsistent. Some ministries were supportive, while others at times publicly criticized information requests. The level of access was not different for noncitizens and the foreign and domestic press. On December 10, the government classified as "secret" its answers to a questionnaire that countries seeking admission to the EU must complete. The questionnaire contained responses to detailed questions about reforms being made on the country's road

towards integration with the EU. The government stated that publishing this information would jeopardize national political and economic interests.

NGOs reported that their requests for government-held information frequently went unanswered. The NGO MANS reported that competent authorities provided timely responses to information requests in approximately 40 percent of cases, citing as the least timely the ministries of Interior, Health, Finance and Education as well as the Privatization Council. MANS claimed that agencies usually provided general information but nothing that could compromise anyone in the government or judiciary and asserted that the government did not have the political will to publish major privatization agreements. The law requires a ministry or agency to respond to a request within eight days of receiving a request for information. Authorities usually provided reasons for denials, and these could be appealed to the higher-level state bodies or courts. While the courts usually supported access to information, their orders to the ministries concerning compliance were often ambiguous and, consequently, sometimes ignored.

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 generally cooperative and responsive to their views.

A number of NGOs and international organizations investigated human rights cases. According to its January 2008 report, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearance and Missing Persons forwarded 16 cases involving disappearances that took place in 1992 and 1993 to the government for their response; the government provided an explanation in one case; 15 cases remained outstanding.

Almost 4,000 domestic registered NGOs operated in the country, including those specializing in human and minority rights and women's rights. Authorities provided nominal, rather than substantive, cooperation. The OSCE and EU led international community efforts to engage the government on human rights issues.

The government cooperated with international human rights and humanitarian NGOs. Amnesty International visited the country in November.

There is an ombudsman for human rights, which operated without government or party interference, and received adequate resources. Upon finding a violation of human rights or freedoms, the ombudsman could initiate disciplinary procedures against the violator, including dismissal. In addition to 111 unresolved cases from earlier years, the office received 430 complaints in 2008. The largest number involved the work of the courts, followed by the public administration, public services, police and prison, local governments, and the prosecutors' offices. The government and the courts generally implemented the ombudsman's recommendations.

Failure to comply with the ombudsman's request for access to official data, documents, or premises, or with the ombudsman's request to testify at a hearing, is punishable by fines of 10 to 20 times the minimum monthly wage, or 550 to 1,100 euros (\$786 to \$1,573). The ombudsman's office generally did not have to resort to these measures; however, on April 11, the ombudsman sought assistance from the speaker of the Assembly when Chief State Prosecutor Ranka Carapic refused to provide documentation regarding one case.

On April 23, a group of 30 NGOs requested that the chief state prosecutor provide an update on the 2006 case of an alleged physical assault by the bodyguard of Police Director Mirko Banovic against independent human rights researcher Aleksandar Zekovic. As of year's end the state prosecutor's office had neither responded nor taken any action in the case.

During the year the Assembly's Committee for Human Rights and Freedoms met several times, but its contribution was perceived by many observers as insignificant.

Authorities cooperated with the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Court, of which the country is a member.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not enforce effectively these prohibitions in practice.

Women

Rape, including spousal rape, is illegal; however, enforcement remained a serious problem. Instances of rape were significantly underreported due to the cultural stigma that attaches to victims and even their families. There were no arrests or convictions for spousal rape during the year. Deeply ingrained societal attitudes hampered prosecutions; judges frequently allowed aspersions on a victim's character to be entered into court proceedings. As a result, victims were reluctant to report rape. Punishment for rape, including spousal rape, is one to 10 years in prison; however, authorities can only prosecute the crime if the victim brings charges. According to police and judiciary statistics, 19 cases of rape were reported in 2008 compared with seven in 2007.

Domestic and other violence against women was a persistent and common problem. According to NGO estimates, one out of four women has been a victim of some form of domestic violence. The NGO SOS, which operated a hotline for victims of domestic violence, reported that, during the first six months of the year, it worked with 87 persons (including 25 men). None of the cases reported by men involved physical violence against them, but rather were requests for support in

family conflicts. Monitors of domestic violence reported a high level of violence against women and children. There is no law on protection against family violence; instead, authorities employed a provision of the law prohibiting physical violence in a family setting but this provision does not cover psychological violence.

The press reported that during the first 10 months of the year, police investigated 395 instances of possible domestic violence. They pressed charges in 394 cases against 406 persons. In 95 percent of cases, the perpetrators were men. The NGO Safe Woman's House, which ran a shelter for victims of family violence, claimed that the number of calls during the year significantly decreased in comparison with the corresponding period the preceding year. Financial dependence, multifamily living arrangements, and the lack of support from extended family discouraged victims from reporting abuses.

Domestic violence is a crime punishable by a fine or a prison sentence, depending on the seriousness of the offense. Local NGOs working to combat domestic violence relied to a large extent on international donor assistance. During the year official agencies, including police, and to some extent the judiciary, improved their response to domestic violence; however, efforts remained inadequate. According to NGOs, many female victims of domestic violence complained about the inadequate response of social welfare centers to their appeals for help.

On September 30, the Administrative Court overruled a decision of the Judicial Council to suspend Milorad Marotic, a superior court judge from Niksic, who was indicted by the Niksic district attorney on charges of domestic violence. The court found that the Judicial Council was not competent to determine the existence of a criminal offense and had deprived Marotic of an opportunity to defend himself.

NGOs operated two shelters for victims of domestic violence.

Prostitution and offering sexual services are crimes, but using the services of a prostituted person is not a criminal offense. Prostitution existed but was not widespread.

Sexual harassment in the workplace was a problem, but public awareness of it remained low. Although it is illegal, society at large tolerated harassment. While victims were hesitant to report harassment, police were usually effective in intervening when asked to do so.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There are no restrictions on access to contraceptives. The government guaranteed free childbirth services. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

Women have the same rights as men in property law, family law, and the judicial system; however, in practice women did not enjoy equal social status with men. However, traditional patriarchal ideas of gender, which maintain that women should be subservient to male members of their families, persisted and resulted in continued discrimination against women in the home. For example, 84 percent of illiterate persons were women. In rural areas women could not always exercise their right to control property, and husbands occasionally directed wives' voting.

Representation of women in government was low. They constituted 6.3 percent of central government employees and 11.4 percent of employees of local governments.

There were no official statistics about women in managerial positions. Some job announcements openly advertised discriminatory criteria, such as age and physical appearance, for female applicants. Few women held senior management positions in government or commerce. There were, however, some signs of improvement; an increasing number of women served as judges, and there were many women in professional fields such as law, science, and medicine. NGOs pointed out that it was difficult for women to achieve the property rights in divorce suits. One emerging trend involved husbands in divorce proceedings titling their property in the name of other family members or friends rather than their wives.

Women from Romani communities did not have equal opportunities for education due to traditional values and restrictions on their participation in society. Due to low education and harsh living conditions, Romani women seldom visited gynecologists, with negative consequences for their health and for infant mortality rates.

Although the law incorporates the general principle of nondiscrimination against women, it does not explicitly address the principle of equal pay for equal work; in practice, women's wages were lower than those of men for comparable work. There remained a deeply rooted division between male and female professions. On April 16, the government transformed its Office for Gender Equality into a department within the Ministry for Protection of Human and Minority Rights.

Women's advocacy groups worked to combat domestic violence through awareness campaigns and sought to improve women's access to legal services and workshops.

Children

Citizenship is based on family ties (*jus sanguinis*). RAE often are not aware of the importance of civil registration. Many gave birth to their children at home and failed to comply with the 30-day deadline to properly register their child's birth. While this lack of awareness was probably the main reason for the lack of registration, human rights observers noted other causes. The phased separation of Montenegro from the Federal Republic of Yugoslavia and subsequently from the state of Serbia and Montenegro, together with changes in citizenship legislation, made it almost impossible for some of the RAE

who were born outside the country to prove a link to Montenegro for the purpose of obtaining citizenship. There were also instances where authorities required marriage certificates from RAE to register the birth of their children, leaving those born of common law marriages unregistered.

By law education was compulsory and free; however, according to Romani community leaders, nearly one-third of Romani children never enrolled in school. Of Roma who complete primary school, the proportion continuing for secondary and higher education was much smaller than that of non-Romani children. The government did not undertake adequate efforts to monitor or encourage continued school attendance of Roma, and there were instances in which schools failed to enroll Romani children because of insufficient classroom space. There was some progress; the proportion of RAE children who enrolled in the first grade of secondary school increased from 50 percent in the 2008-09 school year to 55 percent in 2009-10.

On September 9, two teachers of the Drago Milovic elementary school in Tivat refused to permit six Romani children to attend classes because they supposedly had lice. The teachers subsequently apologized, and the father returned his children to classes, but his car was then vandalized in front of the school.

Some ethnic Albanians criticized the government for not providing textbooks on history, music, and visual arts oriented to Albanian primary school children. The first privately funded Muslim religious secondary school opened in Malesija near Podgorica in 2007; by year's end, the authorities had not given it full accreditation. There was one fully accredited Albanian-language private school.

While tuition for primary education was free, students had to provide their own books and stationary, except for families who benefited from social welfare. NGO programs and grants helped provide books and other school resources for Romani students.

In an effort to reduce dropouts among Romani children, the UNHCR and the local NGO Foundation for Providing Scholarships to Roma started a pilot project for 15 pupils of the sixth and seventh grades of the school in the refugee camp in Konik.

A deputy ombudsman investigated complaints of violations of children's rights. His office received 53 complaints during the year, mainly involving the educational rights of children with disabilities, children's freedom of expression, and contacts with parents after divorce.

According to survey by the NGO Center for Children's Rights, children whose rights were most often violated included children without parents, children living in institutions, and refugee and Romani children. The survey showed that physical, emotional, and sexual mistreatment and violence against and serious negligence of children were common but not widely discussed.

During the first six months of the year, social welfare centers received complaints about the mistreatment of 30 children from 19 families; 40 children were accommodated in the shelter for victims of family violence run by the NGO Safe Woman's House.

Child abuse was an underreported problem that the government took little action to address. The country lacked proper facilities for children who suffered family violence. In May the NGO Children Above All introduced a hotline through which children could report violence or mistreatment or ask for advice or assistance. The law does not allow a juvenile to make an allegation of a crime without a parent or guardian present. Consequently, there was almost no reporting of incest or other child abuse to authorities. In 2007 the police reported four cases of child sexual abuse.

Child marriage was a problem, particularly in Romani communities, where boys and girls generally married around age 14. It was difficult to estimate the extent of underage marriage in the Romani community because the Roma frequently did not register such marriages. Romani children were disadvantaged by poverty, leading many to start work both at home and in the streets at an early age, typically around age seven, in order to contribute to the family income. Romani children were also disadvantaged by having to attend school in a nonnative language, since many spoke Romani at home. The government generally ignored the problem.

There is a statutory rape law. The penalties for rape are higher if the victim was a minor. Child pornography is illegal, with penalties ranging from six months in prison for displays of child pornography, to a maximum of five years imprisonment for using a child in the production of child pornography.

Street children, most of them Roma, were organized into groups to beg at busy intersections, on street corners, and in restaurants and cafes. During the year police charged 10 persons with organizing the begging and removed 76 children from the streets; the children were temporarily accommodated in the Center for Children and Youth and then sent back to their places of origin in Serbia, BiH, and Montenegro.

Trafficking in Persons

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

The country was primarily a transit point, and to a lesser extent, a destination, for trafficked persons, mostly women and girls from Eastern Europe, other Balkan countries, and the former USSR. Most victims were trafficked for commercial sexual and labor exploitation. There was anecdotal evidence that foreign children, mainly Roma, were also trafficked through the country for forced begging. Western Europe was the primary destination of victims trafficked through the country.

Authorities reported identifying one trafficking victim during the year. Traffickers increasingly avoided holding their victims in such public locales as bars and nightclubs, using more hidden locales like private apartments to avoid detection. Government officials reported that the number of identified victims continued to decrease, stressing their belief that trafficking was not widespread but remained confined to individual cases. The International Organization for Migration (IOM) reported in September that the overall level of trafficking remained the same as in 2008.

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

The maximum sentence for trafficking in persons is 10 years.

Police raids of nightclubs, bars, and hotels were frequent. During the year police filed criminal charges against four persons in two separate cases for trafficking. During the year courts convicted 10 persons in three separate cases; they acquitted three persons.

On May 15, the basic court in Rozaje sentenced Sead Kurpejovic to 15 months in prison, also sentencing Senad Kurpejovic and Mirsad Dacic to one year in prison each on charges of human trafficking and of having forced a waitress from Belgrade into prostitution. Hazbija Demic was also found guilty in the case for violating labor regulations.

On July 2, the superior court in Podgorica sentenced three traffickers, members of the Matovic family, to five years in prison each. On October 5, the family appealed to the Court of Appeals and the case was pending at year's end.

On July 21, the superior court in Podgorica opened an investigation of a doctor from Tivat, arrested on suspicion of involvement in trafficking. Police alleged that the doctor asked a patient for sexual services instead of normal payment. The patient pressed charges against the doctor, indicating that she had been providing him sexual services in lieu of payment since June 2008. Police suspected that the doctor had been pimping the woman to his friends as well. Authorities also detained two of the doctor's associates. During the year the state prosecutor pressed charges against three additional persons.

An antitrafficking working group, including representatives of several ministries, the Office of the State Prosecutor, two NGOs, the IOM, and the OSCE, coordinated government efforts to combat trafficking. The working group reports to the deputy prime minister. The appointment of a new national antitrafficking coordinator in February led to more energetic efforts to deter, identify, and prosecute traffickers. The new coordinator focused on the trafficking of children, particularly Romani children and orphans. He also met with his Albanian, Serbian, and Croatian counterparts to discuss transnational border cooperation. The government assisted in international investigations of human trafficking.

Observers and NGOs viewed the police force as generally well trained and active in combating trafficking, although some claimed that retaining trained antitrafficking police personnel was a problem.

The government continued its policy of making temporary visas and shelter available to trafficking victims who agreed to testify against traffickers, giving them protection and refraining from prosecuting them for their activities. They offered such protections to one individual during the year.

Police antitrafficking efforts were led by the organized crime department of the criminal police.

During the year international organizations, with the cooperation of local authorities, sponsored training on trafficking problems for police (including border police), prosecutors, and judges. In April the coordinator's office reported that it had successfully implemented four phases of a regional project to develop a transnational referral mechanism and was working on the fifth phase, compiling a database of victims and perpetrators.

On March 9, the coordinator announced that those receiving new passports would also receive an information card on how to identify trafficking victims and situations.

There were no reports of official involvement in trafficking during the year.

The law provided some protection to trafficking victims, distinguishing trafficked individuals from others engaged in prostitution, who were subject to fines, and distinguishing undocumented migrants who were victims of trafficking from other undocumented migrants, who were subject to deportation. Authorities generally observed these distinctions, establishing procedures for referring trafficking victims to social service agencies and repatriating them with IOM assistance. The government funded one shelter in Podgorica, which was operated by a local NGO. According to the coordinator, in the period from January 25 to May 4, one trafficking victim was housed in the shelter.

Public awareness campaigns, sponsored by the government with OSCE and IOM support, continued throughout the country. They included conferences on trafficking, public service announcements, and campaigns in schools. NGOs continued to organize public information campaigns. The coordinator's office held a series of workshops at primary and secondary schools to improve public information and also polled students on their awareness of trafficking. The government implemented an existing antitrafficking action plan that, in addition to specifying measures to be taken, allotting agency responsibilities, and setting deadlines, included financial support for NGOs conducting trafficking prevention and awareness campaigns. It also adopted a new action plan for 2010–11.

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

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, pensions, allowances, family care and support, rights to be placed in an adequate residential institution, and right to foster care and support or other state services; however, societal discrimination against persons with disabilities effectively limited their access to these benefits, and authorities did not actively prosecute infractions. While laws mandating that new public buildings have access for persons with disabilities were generally enforced, lack of access to older public buildings and public transportation was a problem. Facilities for persons with disabilities were inadequate at polling stations, although authorities provided mobile voting for voters who could not come to polling stations because of illness or disability.

Society often stigmatized persons with disabilities, and such persons depended greatly on disability allowances, which were not adequate.

The ministries of Health, Labor and Social Welfare, Education, and Culture, Sports, and Media were responsible for protecting the rights of persons with disabilities.

Unemployment remained a serious problem for persons with disabilities, although employers usually gave other reasons for not hiring them. Only 2 percent of the approximately 63,000 persons with disabilities were employed during the year. At midyear estimates of the number of children with special needs ranged between 6,000 and 7,000.

A study conducted in 2008 by the UN Development Program (UNDP) with the Strategic Studies and Prognosis Institute, cited estimates of the number of persons with disabilities in the education system that varied from 2 to 10 percent. Although they were entitled to healthcare from the state, the numerous obstacles they faced, including the physical inaccessibility of most health institutions, unequal access to various medical treatment, and the limited availability of prosthetic tools, blocked full access to adequate health care.

Mental health care was inadequate. Facilities for treating persons with mental disorders were out of date and underfunded. Institutional isolation perpetuated stigmatization and discrimination against the mentally ill. Institutionalized persons often became the sole responsibility of the state and often lived in isolation.

On July 27, the Podgorica Basic Court ruled that Marijana Mugosa was entitled to enter her office with a guide dog. The local government of Podgorica lodged an appeal against the decision. Mugosa filed a lawsuit against the city of Podgorica for mental anguish asking for 130,000 euros (\$185,900) compensation. The case went to trial on December 5. On November 10, the country adopted a law allowing guide dogs in business premises.

National/Racial/Ethnic Minorities

The constitution provides both individual and collective rights for minorities, and for most groups these rights were generally observed in practice; however, Roma were disadvantaged in access to social services and experienced societal discrimination. The leaders of ethnic Serbians, Albanians, and Bosniaks, and of Muslims continued to complain of their underrepresentation in government, the judiciary, and state-owned economic enterprises.

During the year there were reports of physical attacks against persons for what appeared to be ethnic reasons. On September 22, Vladimir Medovic, president of the Bar municipal board of the Croatian Civic Initiative, was attacked in the municipality of Bar. Medovic, who was wearing a Croatian checkerboard shirt at the time, told the press that two unknown young men, dressed in black, attacked him during his walk through the town of Sutomore, near his home. Police pressed charges against two persons of Serbian ethnicity.

In an incident that appeared to reflect animosity based on ethnic differences, police detained Milan Dobrovic, Mladen Cadjenovic, and an unnamed minor (all from Podgorica) for throwing stones at a convoy of buses from Kosovo, Bosnia, and Macedonia on June 28, in Zeta, near Podgorica. Police believed that Dobrovic and Cadjenovic also stoned buses from Kosovo on June 7 and April 21 at the same place.

A survey by the NGO Human Rights Initiative indicated that, despite the existence of a satisfactory legal framework, the availability of information in minority languages and the protection of minority culture and tradition needed improvement.

According to a joint survey conducted in October 2008 by the National Statistics Office, the Roma National Council, and the local NGO Roma Circle, there were approximately 11,000 Roma in the country, of whom 4,500 were IDPs or DPs and 6,500 were long-term residents. Many Roma, including IDPs from Kosovo, lived illegally in squatter settlements, often far apart from each other and lacking such basic services as public utilities, medical care, and sewage facilities. Social prejudice and negative stereotypes strongly impacted the RAE populations. They did not have political representatives and generally stayed out of politics. They often lacked identity documents and therefore did not have access to basic social services. Some settlements were located on property whose owners wanted to reassume control or on the premises of companies due to be privatized, and their residents were at risk of eviction; however, no evictions were reported during the year.

The RAE population faced many challenges related to social inclusion, including access to secondary medical protection (such as surgeries and specialist doctors) afforded to other residents.

A well-known human rights researcher, Aleksandar Sasa Zekovic, alleged that the relevant social and health institutions failed to prevent and report the death of two Romani children in Niksic in October 2008 and on July 7.

According to the latest UN data, approximately 40 percent of the RAE population in the country, 70 percent of them children, lacked birth or citizenship certificates. Seven percent of the population held citizenship, and 11 percent applied for it. The Law on Citizenship and its accompanying regulations posed numerous obstacles for RAE members in obtaining citizenship, as many lacked personal identity documents (see section 6, Children).

Prejudice against Roma, who comprised 0.42 percent of the population, was widespread, and local authorities often ignored or tacitly condoned their intimidation or mistreatment. According to the UNDP, approximately 70 percent of Roma were illiterate, 50 percent were unemployed, and 36 percent lived below the poverty level.

During the year authorities appropriated approximately 600,000 euros (\$858,000) to improve conditions for Roma under the "Strategy for Improvement of the Roma Position in Montenegro 2008-12." Priorities included better housing, a database of the RAE population, clarification of their legal status, improved education, the preservation of their culture, the protection of Romani children, and enhanced Romani participation in social and political life. The government also appointed a new national coordinator and established a commission for monitoring the implementation of the strategy including the representatives of Roma and NGOs; however, the coordinator, who operated within the Ministry for Human and Minority Rights lacked basic logistical and informational resources, and was relatively unsuccessful in accomplishing the goals set by the strategy. Overall, government efforts did not result in significant improvements during the year.

During the year the government continued to fund the operating costs of national councils, elected bodies established in 2007 and 2008 to represent the interests of minority groups. It also provided 900,000 euros (\$1,287,000) to the councils for implementation of projects, apportioned according to the size of each group, i.e., Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma.

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

The constitution calls for respect for human rights on all grounds and prohibits the instigation of hatred or intolerance on any grounds.

Nevertheless, antipathy toward homosexual persons existed, and at times it was mirrored in the views of leaders. On November 6, Ferhat Dinosa, the minister of human and minority rights, told television *Vijesti* that, "I would be unhappy" if homosexuality were present in Montenegro. The remarks provoked a public reaction, particularly from NGO activists, some of whom demanded his immediate resignation. However, at a November 18 meeting on human rights organized by the European Commission, Dinosa continued to express these views. The Ombudsman's office noted that the country should be devoted to the protection of human rights guaranteed by the constitution.

There were infrequent reports of violence and discrimination directed against gay men; there were no reports that the government condoned such actions. There were no reports that persons were denied equal opportunities in education and employment on the basis of gender orientation. Societal antipathy towards homosexual persons led most of them to conceal their orientation. The print media at times reinforced these attitudes by publishing articles with negative overtones about homosexual conduct.

On March 1, the NGO Juventas opened the country's first Web portal for homosexual persons. In August the Serbian Orthodox Church issued a statement calling for equal treatment for transgender believers.

During the year the NGO Human Rights Action estimated that there were between 30,000 and 62,000 homosexual persons in the country. A group of 14 NGOs wrote to the president requesting that he use his authority to explain to people that homosexual conduct is not a disease.

Other Societal Discrimination

There were no reports of violence against persons with HIV/AIDS; however, the NGO "Juventas" stated that persons with HIV/AIDS were stigmatized and experienced discrimination. Observers believed that fear of discrimination prevented many persons from seeking HIV testing.

Section 7 Worker Rights

a. The Right of Association

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

According to some trade union activists, during the year there were cases of dismissal and suspension for suspected union activity.

b. The Right to Organize and Bargain Collectively

The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level. By law collective bargaining agreements covered the registered workforce. The law prohibits antiunion discrimination; however, there were press reports of discrimination. Because of delays in the court system, it could take a worker who claimed to have been unjustly fired several years to regain employment through legal action.

There were some reports of antiunion discrimination. Janko Vucinic, president of the trade union at the foundry in Niksic, filed suit against the management alleging that they fired him in November 2008 for criticizing foundry management. The basic court in Niksic ruled in November that Vucinic should be returned to work. A 2006 collective agreement regulating the rights, obligations, and responsibilities of employers and employees is revised annually. The agreement applies to large state and former state companies, and the state administration and private sector employers usually used it as a framework for employer–employee relations.

As reported in the 2009 International Trade Union Confederation Survey, the Montenegrin Trade Union Confederation accused employers of bullying trade unionists. Members of the Trade Union of Leather, Shoes, and Chemical Industry at the Lenka factory (in the town of Bijelo Polje) went on a hunger strike to protest the harassment.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor; however, there were reports that individuals were trafficked from abroad and within the country for exploitation in the sex industry and possibly for labor, particularly in construction (see Section 6, Trafficking in Persons).

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, including those prohibiting forced or compulsory labor and those establishing acceptable working conditions. The government generally enforced these laws and regulations effectively in the formal economy. The official minimum age for employment is 15 years; however, in farming communities it was common to find younger children assisting their families. Romani children also worked in a variety of unofficial retail jobs, typically washing car windows, collecting items such as scrap metal, or selling old newspapers.

Many Romani children also engaged in begging (see Section 6, Trafficking in Persons). In Podgorica and the coastal areas, police continued an initiative aimed at suppressing begging. They arrested and charged several adults with organizing and forcing their relatives—young Romani children—to beg. Most of these children were temporarily accommodated in the Center for Children and Youth. Police asserted that the practice constituted family begging rather than organized begging. Police pressed charges against the perpetrators while children were sent to their families.

Inspectors from the State Labor Inspector's Office were responsible for enforcing the child labor laws within the formal economy. Inspectors reported no violations of the child labor laws during the year. The ministry has 40 inspectors covering labor issues, although there were no resources devoted exclusively to investigating child labor. The government has not provided awareness training for officials charged with enforcing child labor laws.

e. Acceptable Conditions of Work

The national minimum wage of 55 euros (\$79) per month did not provide a decent standard of living for a worker and family. According to statistics released at the end of August, the average salary was approximately 461 euros (\$658) per month and was also not adequate for a worker and family to live comfortably. The minimum wage was fixed through negotiations between the government, labor unions, and employers' associations, which represented a significant number of entrepreneurs. Significant portions of the workforce, particularly in rural areas and the informal sector, were not covered by the minimum wage. The Ministry of Labor and Social Welfare enforced the minimum wage; there were no reports during the year of employers failing to pay it.

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

Many workers from privatized or bankrupt companies had outstanding claims for back payment of salaries and severance pay. The law provides some recourse, and the parties have reached settlements involving some compensation in the past; however, these were the exception. The law requires employers to make substantial contributions to pension and health care funds. To avoid these payments, employers often did not officially register their employees.

During the first nine months of the year, the employment agency granted licenses for the employment of 14,647 foreigners, 90 percent of them seasonal workers (in tourism, catering, and construction). The quota for nonresident employees for the year was 39,450.

Labor law provisions governing temporary employment places no limitation on extending the temporary employment of a worker, putting employers in a position to considerable leverage over workers, particularly women, older workers, and those with disabilities.

The government establishes mandatory health and safety regulations. The employer is obliged to report any serious injury or death at work; however, authorities did not strictly enforce laws and regulations on worker safety; in practice workers often lacked safety equipment. During the first eight months of the year, there were 28 serious injuries and seven deaths from injuries at work. Burdened by the deadlines imposed by investors, construction workers (mostly foreigners) usually exceeded eight hours a day; sometimes, to offset low wages, they worked additional hours in second jobs.

During the first eight months of the year, authorities conducted 7,746 inspections and found 4,489 violations of labor standards. Labor inspectors have legal authority to close an establishment until violations are corrected. In cases of repeated violations, the owners can be fined.

Workers did not have the right to remove themselves from situations that endanger health and safety without jeopardy to their employment. As a part of the agreement with the European Agency for Protection and Health at Work, the Ministry of Health, Labor, and Social Welfare distributed 18,000 fliers to raise awareness about the potential hazards.

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