

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	6
Land:	Montenegro
Kilde:	U.S. Department of State
Titel:	"Country reports on Human Rights Practices 2006"
Udgivet:	19. marts 2007
Optaget på baggrundsmaterialet:	19. marts 2007



Montenegro

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 6, 2007

The Republic of Montenegro is a parliamentary republic with a population of approximately 630,000. Legislative authority is vested in the unicameral Assembly. On June 3, following a referendum, the Assembly declared the country independent of the State Union of Serbia and Montenegro. The republic retained its 2003 constitution and basic governmental structure after independence and has a mixed presidential and multi-party parliamentary system of government with both president and Assembly elected by popular vote. The Organization for Security and Cooperation in Europe (OSCE) observed both the May referendum on independence and the September 10 Assembly elections and found them to be generally in accordance with international standards. Civilian authorities generally maintained effective control of the security services, but there were a few instances in which elements of the security forces acted independently of government authority.

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, police occasionally beat suspects during arrests or while suspects were detained for questioning.

According to some of those involved, police beat citizens and foreigners whom they detained in the course of a September 9 raid in Tuzi. An internal police investigation ended inconclusively. Authorities stated that the raid, which took place a day before Assembly elections, foiled a terrorist plot and reported they had found a large weapons stash and plans to attack government buildings. Some opponents of the government asserted that the raid was politically motivated (those apprehended were associated with an Albanian nationalist organization).

The investigation by the minister of interior and supreme state prosecutor into police beatings of prisoners in the main penitentiary in September 2005 concluded that police did not exceed their authority. There was no public reaction to the report's conclusion, although after the raid several prisoners were sent to the hospital with severe injuries.

The trial of police inspector Dobrasin Vulic, indicted in 2004 for the 2003 beating of Nikola Popovic, ended in Vulic's acquittal.

Prison and Detention Center Conditions

Prison conditions met some international standards; however, problems remained. Prison facilities were antiquated, overcrowded, poorly maintained, and had inadequate hygiene, although communicable disease was not prevalent.

The main prison held about twice as many prisoners as it was designed for, with some cells at even higher levels of overcrowding. Authorities were constructing an extension to the main prison, including additional cell space to reduce overcrowding, and construction was nearly complete by year's end.

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

The government permitted prison visits by human rights observers, including the International Committee of the Red Cross (ICRC) and local nongovernmental organizations (NGOs). Both the ICRC and the Helsinki Committee of Montenegro made several visits during the year. Representatives of the human rights ombudsman's office routinely visited prisons, meeting with detainees and inmates without prior notice.

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 interior ministry controls both the national and border police forces. These forces were generally effective in maintaining basic law and order. Impunity was a problem; the government investigated police abuses, but criminal procedures and sentences against police were rare. During the year 19 police officers were dismissed for abuse of office and exceeding authority.

Police corruption was a problem; the small, close-knit society discouraged the reporting of corruption and facilitated criminals' access to law enforcement officers.

Arrest and Detention

Arrests require a judicial warrant or "strong suspicion that the suspect committed an offense." Authorities may detain suspects for up to 48 hours before bringing them before a judge and charging them. At arraignment the judge makes an initial determination of the legality of the detention. In practice arraignment generally occurred within the prescribed period of time. The law provides for access to an attorney during this initial period, but this did not always occur. Detainees generally had prompt access to family members. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail.

Long trial delays, combined with difficulty in meeting conditions for bail, occasionally led to lengthy pretrial detention. Pretrial detainees made up approximately two-thirds of the prison population, and the average period of pretrial detention was five months.

Amnesty

On July 27, the Assembly enacted a general amnesty for prisoners. The amnesty reduced sentences for most prisoners already incarcerated by 25 percent, with a lesser reduction of 10 percent for more serious criminal offenses. There was no amnesty for persons convicted of trafficking in persons, war crimes, or other crimes prosecuted under international law.

e. Denial of Fair Public Trial

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

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

Trial Procedures

Criminal trials are public; juries are not used. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner. Defendants have a right to engage an attorney; however, an attorney is provided at public expense only when the charge carries a possible sentence greater than five years in prison. Defendants and their attorneys have the right to access government-held evidence relevant to their cases. They enjoy the presumption

of innocence and the right of appeal. Although the government at times influenced the judiciary, defendants' rights were generally respected. Some observers charged that continuing control by the executive branch over the finances of the courts provided influential members of that branch with a means of exerting inappropriate pressure.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters. Parties have brought suit alleging human rights violations. Beginning in 2004 families of victims brought 36 cases against the government for the 1992 deportation of Muslims and Bosniaks to the Republika Srpska in Bosnia and Herzegovina. Republika Srpska security forces subsequently killed most of the deportees. The first judgment, resulting in damages of \$59,125 (45,000 euros) against the government, was handed down on June 29 in favor of the family of Sanin Krdzalja, who was deported and killed in the Foca concentration camp in Bosnia and Herzegovina in 1992. On September 15, the court dismissed a second case that involved the deportation and presumed death of Safet Buljbasic, ruling that the statute of limitations barred the case. The plaintiff's attorney contended that the court, in relying on a 2004 case from Serbia that had been strongly criticized by international human rights organizations, was acting solely to protect government interests. A third, related, case was decided on September 19; the court directed the government to pay \$89,350 (68,000 euros) to the family of Suad Karacic, who was deported to the Foca camp in 1992. On November 10, the court directed the government to pay \$164,250 (125,000 euros) to the wife and children of Izet Tufekcic. On November 13, the court directed the government to pay \$118,250 (90,000 euros) to the wife, father, and children of Azem Begic. On November 14, the court directed the government to pay \$26,275 (20,000 euros) to the wife of Sevko Kubat. On December 1, the court directed the government to pay \$211,300 (160,800 euros) to the wife, daughter, and parents of Mirsad Borovac. The facts of the case in the last four instances were similar to those in the first three.

The government appealed all cases in which damages were awarded and did not pay compensation before year's end. The other 29 cases remained in litigation.

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. Some observers believed that police selectively used wiretapping and surveillance against opposition parties and other groups. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Eviction of Roma from illegal settlements, and sometimes from legal residences, was a problem (see section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Individuals could criticize the government publicly or privately without reprisal, and the government did not monitor political meetings or otherwise attempt to impede criticism.

According to the constitution and law, courts are permitted to ban any media content calling for violent overthrow of the constitutional system or challenging the territorial integrity of the Republic; infringing citizens' freedoms and rights; or instigating national, racial or religious intolerance or hatred.

There were a small number of credible allegations of political and business pressure on the media. In January the director general of formerly state-owned Public Radio and Television of Montenegro (RTCG) appointed a new television director to replace the director who had been dismissed in 2005 in what some observers regarded as an attempt to bring the TVCG editorial board closer in line with government positions. International and domestic observers noted that despite a tendency for RTCG to devote more attention to the government, it generally acted professionally in covering the highly contentious referendum on the country's independence and subsequent parliamentary elections.

The independent media was active and generally expressed a wide variety of political and social views without government restriction.

There were no documented instances of journalists practicing self-censorship on political grounds or through fear of government reprisals; however, observers noted that some journalists were susceptible to various political and business influences, due to the journalists' lack of expertise and political affiliations. Some NGOs warned that the practice of individual officials bringing criminal libel charges against journalists could deter them from reporting candidly on events. Libel charges which could carry fines of up to \$18,400 (14,000 euros).

The print media consisted of private news outlets and one national state-owned newspaper, which published a wide variety of articles on domestic and foreign topics. The expected privatization of the state-owned newspaper was still pending at year's end due to government inaction.

There were a wide variety of public and private broadcasting media, including public radio and television broadcaster RTCG and 16 private television and 39 private radio stations. Domestic radio and television stations regularly rebroadcast programs from a number of foreign services.

On December 27, the Higher Court in Podgorica acquitted Damir Mandic of charges of participating in the 2004 killing of Dusko Jovanovic, the director and editor-in-chief of the leading opposition daily, *Dan*. Although the motive of the killing remained unknown, *Dan* and other media outlets called the killing a major attack on freedom of the press and journalistic safety. Opposition politicians protested the acquittal. During the year the special prosecutor for organized crime brought charges against individuals accused in the August 2005 killing of the chief police official investigating the Jovanovic and other major unresolved killings. That trial had not begun by the year's end.

There were no publicized cases of direct government censorship of the media. Officials occasionally threatened to bring libel suits against media organizations that accused them of wrongdoing and government officials filed several new libel suits against media organizations. On February 3 and April 17, the basic court in Podgorica dismissed a lawsuit by the minister of education against *Dan* for libel and publication of false information. Despite these developments, observers noted a modest increase in the willingness of the media to criticize the government during the year.

On September 15, based on charges brought by the state prosecutor, the Podgorica basic court fined a *Dan* columnist \$7,900 (6,000 euros) for having "mocked" the people who had voted for independence. In another case linked to the referendum, the Agency for Radio-Diffusion fined private television broadcaster Elmag, citing it for violating media laws and minimal program standards prescribed by the agency for airing viewers' text (SMS) messages ridiculing ethnic groups in programs related to the outcome of the referendum.

The law mandates regulatory structures to insulate former state-owned media from direct party or government control; these include a Radio and Television Council (RTVCG), which exercises oversight over the national public radio and television system. The RTVCG was established in 2003, with members selected by a variety of NGOs and professional groups; however, some observers noted that many RTVCG members had close ties to the government. Twice during the year the ruling coalition in Parliament refused to verify the appointments of the NGO representatives on the council. Opposition parties, some NGOs, and the rejected candidates called it a violation of the Public Services Radio and TV Law, which only says parliament should verify, not vote on, the candidates for council membership. Some observers saw such moves as the government's intention to maintain control over national public broadcasters.

Radio and television stations receive broadcast licenses from an independent regulatory body. In 2005 the regulatory body allocated frequencies for 16 television and 39 radio stations in its first public tender. No frequency tenders were held during the year.

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 electronic mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

There was no state religion, although the constitution mentions the Orthodox Church, the Islamic community, and the Roman Catholic Church as equal and separate from the state.

Although there was no formal registration requirement for religions, religious groups had to register as citizen groups with the republic's Ministry of the Interior and Department of Statistics to gain status as legal entities, which is necessary for them to conduct real estate and other administrative transactions. No problems with registration were reported.

No progress was reported during the year on the restitution of previously-seized church property. The Serbian Orthodox Church claimed that the government applied the restitution law in a discriminatory manner. In 2005 the church filed a suit with the European Court of Human Rights (ECHR), alleging that delays in addressing its claims for property taken by the government after World War II were politically motivated. The ECHR had suspended action on the case pending Montenegro's renewed membership in the ECHR's parent body, the Council of Europe.

Societal Abuses and Discrimination

Religion and ethnicity were closely intertwined, and in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin. Minority religious communities reported better cooperation with government organizations, leading to increased ability to operate normally; however, some elements in society continued to discriminate against such communities.

Tensions continued between the canonically unrecognized Montenegrin Orthodox Church and the Serbian Orthodox Church.

A small, scattered number of adherents of Judaism lived in the country. A 2004 survey by the government statistics office concluded that there was no organized Jewish community; an international Jewish NGO reached a similar conclusion.

A 2005 report by the International Helsinki Federation of Human Rights stated that anti-Semitic content was published in the (now-defunct) *Istok Review* and anti-Semitic books were available in some bookshops (although independent observers disputed this.) There were no reports of anti-Semitic Internet postings or anti-Semitic speech among political parties or other groups.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and law provide for these rights, and the government generally respected them in practice.

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

Internally Displaced Persons (IDPs)

Although the country became independent of Serbia on June 3, 16,619 persons displaced from Kosovo were still listed by the government as "internally displaced persons." The country lists another 6,926 persons originally from Croatia or Bosnia and Herzegovina as "displaced persons." These persons may in fact be refugees according to international law and the country's new law on asylum, but no formal determination of their status was made. Another 24 persons with origins other than Kosovo, Croatia, or Bosnia and Herzegovina were registered with the government.

Protection of Refugees

On July 6, the Assembly passed an asylum law that provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government established a system for providing protection to refugees that was to take effect on January 25, 2007. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. According to established procedures, during the year authorities referred refugee cases to the Office of the UN High Commissioner for Refugees (UNHCR) for adjudication; during the year five persons applied to UNHCR for refugee status; all were rejected.

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

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Conditions for refugees varied; those with relatives or property in the country were able to find housing and,

in some cases, employment.

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

A public referendum on independence took place on May 21. It was conducted according to rules agreed by the Assembly, following negotiations between the competing political blocs that were moderated by an envoy from the European Union. Turnout was 86.5 percent, with 55.5 percent of voters supporting independence and 44.5 percent against. The OSCE stated that the referendum was conducted in line with OSCE and other international standards related to democratic electoral processes. International and local observers noted scattered irregularities, the most significant of which were in rural areas where there were a number of reports that husbands directed their wives' voting.

Elections for seats in the Assembly took place on September 10. The OSCE stated that the conduct of the campaign and vote were generally in line with international standards. However, OSCE observers criticized changes to the electoral law passed after the call for elections, and reiterated their view that the law giving party leaders the right to select half of their party's actual Assembly representation from anywhere on the party's voter's list impaired transparency.

Filip Vujanovic was elected president in 2003 elections that an OSCE election observer mission found were conducted generally in accordance with international standards.

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

There were seven women in the 81-seat Assembly and one woman in the cabinet.

There were 14 members of ethnic minorities in the 81-seat Assembly and two members of ethnic minorities in the cabinet. Five seats were set aside by law for ethnic Albanians. On July 17, the Constitutional Court struck down a law that would have added set-aside seats for Muslims, Bosniacs, and Croats. Ethnic Albanians, Muslims, Bosniacs, and Croats participated in the political process, and their parties, candidates, and voters participated in all elections. No Roma ran for or held seats in the Assembly and Roma were significantly underrepresented in the government; only one Roma held elective office at any level in the country.

Government Corruption and Transparency

There was a widespread perception of government corruption, particularly in the executive and judicial branches. On July 28, the government adopted an action plan against corruption. There were widespread allegations of corruption affecting the privatization of industry. Observers noted that a lack of transparency prevented citizens from judging the validity of those allegations; an August 15 court order to make the contracts privatizing the largest state-owned industries publicly available was not fully implemented by the end of the year. Conflict of interest legislation requiring the disclosure of the salaries and property of state officials, including members of the Assembly, was not fully implemented, and many officials refused to comply. There was no legal penalty for noncompliance.

The constitution and law provide for public access to information. In practice access to public information was mixed. Some ministries were reluctant to implement the law fully and publicly criticized requests for information, but others were supportive. Authorities usually gave reasons for denials and denials could be appealed to the courts. While the courts usually supported access to the information, their orders to the ministries were often ambiguous and consequently ignored. Citizens could inspect secret files kept on them by the former State Security Service (SDB), the precursor of the NSA, from 1945 to 1989; since 2001, 327 requests were made for inspection of SDB files, of which 90 were approved. In approximately half of the other cases, authorities responded that no file had been created. Nine requests were filed with the current NSA in 2006; two were approved and seven rejected (in three cases the stated reason for denial was that no such file existed; no reason was given in four cases).

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

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

responsive to their views.

A number of NGOs investigated human rights cases, including the Helsinki Committee of Montenegro and the Center for Democracy and Human Rights. Observers credited NGOs with helping to reduce police brutality and other abuses. The government generally cooperated with international organizations.

The government cooperated with the International Criminal Tribunal for the former Yugoslavia; the tribunal's chief prosecutor stated that she was very satisfied with the country's cooperation with the court.

The ombudsman for human rights does not have authority over the work of the courts, except in cases of excessively prolonged procedures, obvious abuses of procedure, and failure to execute court decisions. The office of the ombudsman operated without government or party interference and the government provided the office with adequate resources. The ombudsman was generally considered to be effective. Upon finding a violation of human rights or freedoms, the ombudsman may initiate disciplinary procedures or dismissal of the violator. Failure to comply with the ombudsman's request for access to official data, documents, or premises, or with the ombudsman's request to testify at a hearing, is punishable by fines of 10 to 20 times the minimum monthly wage - \$660 to \$1,320 (500 to 1,000 euros). No fines were imposed during the year, since essentially all of the ombudsman's requests were respected. In March the ombudsman's office released its second annual report to the Assembly. The greatest number of complaints were about delays in the courts, protection of labor rights, and the work of local governments; only a few complaints involved police misconduct. In general the government and the courts implemented the ombudsman's recommendations.

An Assembly committee on human rights continued to exist but was inactive during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Although violence against women, including spousal abuse, is illegal, it was widespread, particularly in rural areas. During the year official agencies, including the police, improved their response to domestic violence; however, efforts were still inadequate. Domestic violence is a crime punishable by a fine or prison sentence of up to 10 years, depending on the seriousness of the offense or, if death results, by a sentence of three to 12 years in prison. Victims of domestic violence rarely filed complaints with authorities. According to a 2004 survey conducted by the NGO "SOS," only 30 percent of victims reported domestic violence incidents to police; however, domestic violence-related offenses made up 30 percent of all police arrests. The government prosecuted a small but growing number of domestic violence cases; however, NGOs reported that judges often refused to impose jail sentences, although prosecutors routinely asked that convicted abusers be imprisoned; most convictions resulted in probation.

Rape, including spousal rape, is illegal. The government sought to enforce the law, but deeply ingrained societal attitudes continued to stigmatize rape victims, and judges frequently allowed negative aspersions on the victims' character to be entered into court proceedings. As a result victims were reluctant to report rape, including spousal rape. Punishment for rape, including spousal rape, is one to 10 years in prison; however, authorities can only prosecute the crime if the victim brings charges. A local NGO estimated that 80 percent of domestic violence against women involved spousal rape; however, there were no reports of indictments of alleged rapists during the year.

Prostitution is a crime, as are soliciting and procuring. The government took active measures to suppress these offenses. Prostitution existed but was not widespread. Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment was a problem. It was tolerated by society at large. Although victims were hesitant to report harassment, police were usually effective in intervening when requested to do so.

By law women have equal status with men in property law, family law, and the judicial system; however, in practice, women did not enjoy equal status with men. Traditional patriarchal ideas of gender, which maintained that women should be subservient to male members of their families, persisted and resulted in continued discrimination against women in the home. In rural areas women could not always exercise their right to control property, and husbands commonly directed wives' voting. Few women held senior management positions in government or commerce. There were some signs of improvement, however; an increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine.

Women were legally entitled to equal pay for equal work; however, they did not always receive it in practice. The government's Office for Gender Equality was responsible for protecting the legal and economic rights of women. The

Office issued publications on antidiscrimination and worked on the Bill for Gender Equality and the National Action Plan for Gender Equality.

Children

The government was committed to the health and educational needs of children; however, the government did not allocate adequate resources to achieve this goal.

Education was free, compulsory, and universal through the eighth grade. There was no difference in the treatment and attendance of boys and girls at the primary and secondary levels. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the government for not developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Roma children received little or no education beyond the primary school level, and the government did not undertake adequate efforts to encourage continued school attendance of Roma. Roma children who attended school were often segregated from others; instruction was usually in Serbian or Albanian.

Child abuse was an underreported problem that the government took little action to address. The law does not allow a juvenile to make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of child abuse or incest to authorities.

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

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Child labor was problem (see section 6).

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country, primarily for prostitution, but trafficking for labor purposes existed as well. Internal trafficking was not a major problem. The republic was primarily a transit point for trafficked persons, particularly women and children, and to a lesser extent it was a source and destination for trafficking victims. Independence from Serbia during the year transformed a significant portion of formerly internal trafficking into external, cross-border, trafficking. According to the International Organization for Migration (IOM) and police officials, most victims came from Ukraine and Serbia and often continued to West European countries.

Statistics on the actual number of trafficking victims, as opposed to those that came to official attention, were difficult to obtain, as traffickers increasingly avoided holding their victims in such public locales as bars and nightclubs. Victims were generally women and girls with less-than-average education and usually, but not always, poor. The IOM estimated that approximately 30 to 50 percent of females in prostitution in the country were victims of trafficking: of that number, one-half were children aged 16 to 18.

Traffickers were often citizens who worked at times with foreign partners and were affiliated with broader organized crime organizations. They usually used fraud (false advertisements for travel or employment) to entice their victims and resorted to force and coercion to keep victims from escaping. There were no reports of involvement in trafficking by officials during the year. The IOM stated that it regarded the lack of training for officials as a more serious problem than corruption in impeding their efforts to counter trafficking. Law enforcement personnel, including those at the borders, often lacked training in how to recognize trafficking operations.

The maximum penalty for trafficking in persons is 10 years in prison. During the year authorities arrested and charged one citizen with trafficking, and at year's end they were investigating another person. There were eight convictions for trafficking during the year.

On April 20, a court sentenced three citizens found guilty of trafficking. They transported four Bangladeshi nationals and 15 other persons of unknown nationality from Kosovo through Montenegro to Bosnia and Herzegovina. The victims were destined for Western Europe. Rajko S. Djukovic was sentenced to three years in prison, Branislav M. Brasnjo to two years and eight months and Elvir S. Kalac to two years and six months. On December 25, a court sentenced four citizens and one individual from Kosovo, to three years in prison each after finding them guilty of human trafficking. They attempted to trade their infant relative for a used automobile. Convicted were Adnan Salihi, Cazim Adzovic, Nailja Salihi, Ljubica Adzovic, and Vjera Adzovic.

Several cases from previous years were still in the courts.

A coordinator appointed by the government chaired an antitrafficking working group composed of the ministries of

interior, health, justice and education, the IOM, and NGOs. The government also coordinated its antitrafficking efforts with other countries in the region, particularly through the Southern European Cooperative Initiative Center in Bucharest.

The law provides some protection to trafficking victims, distinguishing them from prostitutes, who were subject to fines, and illegal migrants, who were subject to deportation. Authorities generally observed these distinctions. Authorities established procedures for referring trafficking victims to social service agencies and repatriating them with IOM assistance.

International organizations sponsored training on trafficking problems for police (including border police), prosecutors, and judges. Local NGOs operated one shelter, in Podgorica, with government funding. Public awareness campaigns, sponsored by the government with international support, continued throughout the country.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, there was societal discrimination against persons with disabilities. The law mandates access to new official buildings for persons with disabilities, and the government generally enforced this provision in practice; however, facilities for persons with disabilities, including at polling stations, were inadequate.

The government provided mobile voting for handicapped or ill voters who could not come to polling stations.

The ministries of health, labor and social welfare, and education are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Societal discrimination against ethnic minorities was a problem. Prejudice against Roma was widespread, and local authorities often ignored or tacitly condoned their intimidation or mistreatment. According to a local NGO, 70 percent of Roma were illiterate, 70 percent did not speak the local language, 95 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.

Roma from Kosovo, still formally considered by the government as IDPs, lived primarily in collective centers and scattered settlements throughout the country. They often lacked identity documents and access to basic human services (see section 2.d.). Eviction from illegal settlements and at times from legal residences was a serious problem.

Other Societal Abuses and Discrimination

Society generally showed antipathy towards homosexuals, leading most homosexuals to conceal their identity. Violence against homosexuals was rare and not condoned by the government.

Section 6 Worker Rights

a. The Right of Association

The law entitles workers, except for uniformed military and police personnel, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 95 percent of the workforce in the formal economy was unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level. By law the registered workforce is covered by collective bargaining agreements. The law provides for the right to strike, and workers generally exercised this right by conducting legal strikes; however, the law prohibits strikes by military and police personnel.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

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

The official minimum age for employment is 15 years, although in farming communities it was common to find younger children assisting their families. Roma children also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. However, there were no reports that such practices occurred systematically.

Children were trafficked for child prostitution (see section 5).

Inspectors from the state labor inspectorate were responsible for enforcing the child labor laws.

e. Acceptable Conditions of Work

The national minimum wage of approximately \$68 (52 euros) per month did not provide a decent standard of living for a worker and family. The Ministry of Labor enforced the minimum wage; there were no reports during the year of employers failing to pay it.

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

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