

MONTENEGRO 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic with a multiparty political system. Voters choose both the president and the unicameral parliament through popular elections. The president nominates, and the parliament approves, the prime minister. The country's 2013 presidential elections were described by the Organization for Security and Cooperation in Europe (OSCE) as professionally and efficiently administered but also characterized by a blurring of the lines between the state and the ruling Party of Democratic Socialists (DPS).

Parliamentary elections took place in 2012. The OSCE referred to voting irregularities and a state-party confluence that undermined popular confidence. Civilian authorities maintained effective control over the security forces.

Corruption was among the country's most pressing human rights problems. It was pervasive in health care, education, and multiple branches of government including law enforcement organizations. It was characterized by impunity, political favoritism, nepotism, and selective prosecution of political and societal opponents. The country also suffered from a continued deterioration of the environment for the media and civil society, including instances of harassment of journalists, attacks on their property, and failure to resolve several past cases of violence and threats against journalists. There were also governmental and quasi-official attacks on leaders of nongovernmental organizations (NGOs) in government-controlled media. A third broad area of concern was discrimination and societal violence against minorities, especially Roma, Ashkali, and Balkan Egyptians; persons with disabilities; and the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community.

Other human rights problems included impunity for war crimes, mistreatment by law enforcement officers of persons in their custody, overcrowded and dilapidated prisons and pretrial detention facilities, violations of the right to peaceful assembly, the unresolved legal status of thousands of refugees from the Balkan conflicts of the 1990s, tensions between religious groups over property and status, domestic violence against women and children, gender-biased sex selection, child marriage among Roma, and the continued marginalization of minority groups such as Albanians and Bosniaks. There were reports of employer infringement upon workers' rights.

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

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.

Authorities continued to pursue two war crimes cases involving several individuals, primarily low- and mid-level police and military officers, for actions they allegedly took during the Balkan wars of 1991-99. On September 3, the Court of Appeals upheld the Bijelo Polje high court's acquittal of eight Yugoslav army officers and soldiers accused of the 1993 killing of 23 Albanian civilians in Kaludjerski Laz, near Rozaje. On October 13, the Supreme Court upheld the 2012 acquittal by the Podgorica High Court of nine former police officers on charges of deporting 83 Bosnian refugees, who were later killed. NGOs claimed the courts applied international humanitarian and domestic laws erroneously and failed to fight impunity for war crimes.

b. Disappearance

There were no reports of politically motivated disappearances.

A UN working group that visited the country in June 2014 noted that 72 persons from the country remained missing from the wars in the former Yugoslavia.

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

The constitution and law prohibit such practices, but there were reports that police and prison guards at times beat and harassed suspects to obtain evidence, confessions, or as punishment. Internal investigations by a variety of institutions significantly reduced, but did not eliminate, impunity. The government prosecuted police officers and prison guards accused of overstepping their authority.

On November 11, the Podgorica basic prosecutor arrested Boro Grgurovic and Goran Zejak, two members of the Special Antiterrorist Unit, on charges of beating Milorad Mijo Martinovic during a protest demonstration on October 24. Despite a video showing that more than 20 officers participated in the beating, there were no

additional prosecutions as of mid-December. The Office of the Protector of Human Rights and Freedoms of Montenegro (the ombudsman) urged the authorities to investigate other members of the unit for participating in the beating.

The press reported that on January 14, a brawl in the Spuz prison resulted in criminal charges against nine inmates for physically attacking and injuring five guards. Several prisoners told the press that after the January 14 incident, prison guards constantly beat them and placed them in solitary confinement. Prison authorities denied the allegations, but disciplined two guards for beating one prisoner. On December 1, the NGOs Juventas and Human Rights Action strongly criticized prison and judicial authorities for failing to prosecute prison guards who allegedly beat and mistreated 13 prisoners during the January 14 incident. They also criticized the ombudsman for delaying the publication of his findings on the incident until November. In December authorities indicted 10 prison guards for beating the prisoners.

NGOs noted that a number of police officers found responsible for violating rules of service and senior officers implicated in cases of torture remained on duty. The OSCE and resident diplomatic missions continued to provide training for police, security, and border and customs officers.

The case of Nedjeljko Moracanin, who was convicted of obstruction of justice after he accused two police officers of beating him in 2014 while he was in their custody, was on appeal. Although the Department of Internal Police Control found that the two officers used excessive force against Moracanin, the prosecutor did not bring any charges against the officers and charged Moracanin instead.

On April 28, the European Court of Human Rights (ECHR) ruled that Spuz prison guards overstepped their authority and used excessive force during a 2009 search of Igor Milic's and Dalibor Nikezic's prison cells.

Prison and Detention Center Conditions

Conditions in prisons and pretrial detention facilities were generally poor and dilapidated, with the pretrial detention center in Podgorica and some prison units severely overcrowded. In September the EU ambassador noted that in addition to overcrowding, other major problems included inadequate access to health care.

Physical Conditions: On January 28, the NGO Civic Alliance reported that some facilities, including the Podgorica pretrial detention center, remained overcrowded,

although government statistics published in October showed they were not at their maximum capacity. During the first nine months of the year, authorities reported three inmate deaths, all from natural causes.

The government, Civic Alliance representatives, and the EU ambassador described the prison health care system as inadequate. In an annual report the Office of the Ombudsman noted instances of poor hygiene and a lack of natural light. The inadequacy of facilities for treating alcoholics and drug addicts led the Podgorica prison administration to move many such patients to the psychiatric hospital at Dobrota, which was poorly equipped to handle patients with extra security concerns.

The press reported several hunger strikes during the first nine months of the year. Authorities, on the other hand, reported only one hunger strike, which involved four detainees.

Administration: Police did not release information on the state of prison recordkeeping. The rate of early release of prisoners for good behavior slowed significantly in July following new legislation transferring authority over early release from the justice ministry and prison officials to the original sentencing courts.

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

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

Improvements: Improvements in the physical facilities, staffing levels, and training for guards continued throughout the year. At the Podgorica prison, authorities built an additional room for conjugal visits, a new kitchen, and a cafeteria. Overcrowding in the temporary detention prison in Podgorica significantly diminished. In the Bijelo Polje prison, authorities renovated seven cells, the infirmary, rooms for conjugal visits, religious facilities, and sports grounds. The Ministry of Justice hired additional prison personnel.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. Nevertheless, the police had to compensate numerous persons during the year for unwarranted detention. Since 2010 authorities paid more than a million euros (\$1.1 million) in damages for unwarranted detention.

Role of the Police and Security Apparatus

The National Police Force, which includes the Border Police, is responsible for maintaining law and order. It operated under the supervision of the Ministry of the Interior and was generally effective. The Agency for National Security (ANB), nominally an independent entity within the government but considered by many to be a political arm of the ruling DPS, is responsible for intelligence and counterintelligence activities.

Impunity remained a problem in the security forces. NGOs cited corruption, lack of transparency, and the ruling political parties' influence over prosecutors and Interior Ministry officials as obstacles to greater effectiveness. There was also a widespread view that personal connections influenced the enforcement of laws. Low salaries sometimes contributed to corruption and unprofessional behavior by police officers (see section 4).

Human rights observers continued to express concern over the low number of prosecutions of security force personnel accused of human rights abuses. The prosecutor's office, which is responsible for investigating such abuses, seldom challenged a police finding that use of force was reasonable. Human rights observers claimed citizens were reluctant to report police misconduct due to fear of reprisal. Watchdog groups alleged police continued the practice of filing countercharges against individuals who reported police abuse, which discouraged citizens from reporting it and influenced other police officers to cover up responsibility for violations. In cases where courts determined police used unreasonable force, sentences were usually lenient.

With foreign assistance, the government provided training to police and security forces aimed at reducing abuse and corruption and promoting respect for human rights. The Institute Alternativa, an NGO, stated that although transparency improved in the Department for Internal Control of Police Operations, it continued

to lack sufficient legal authority and technical resources to implement its responsibilities fully.

Arrest Procedures and Treatment of Detainees

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

Courts increasingly used bail. Judges could also release defendants without bail and limit their movements, impose reporting requirements upon them, or retain their passports or other documents to prevent flight. The law permits a detainee to have an attorney present during police questioning and court proceedings, and detainees generally had prompt access to a lawyer. Although legal assistance was supposed to be available for persons in need, there were financial constraints on government’s provision of assistance (see section 1.e.). Authorities must immediately inform the detainee’s family, common-law partner, or responsible social institution of an arrest, and they usually did so. There were no reports authorities held detainees incommunicado. Persons could challenge the legality of their detention; in 2014 the government had to compensate 94 persons for unfounded deprivation of liberty.

Arbitrary Arrest: Police continued to summon both witnesses and suspects to police stations for “informational talks” and often used this practice to curb hooliganism during soccer matches or to reduce participation in opposition political rallies. This practice did not usually involve holding suspects longer than the six hours allowed by the law, nor did it typically result in charges.

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

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

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but some NGOs, international organizations, and legal experts asserted that political pressure and corruption heavily influenced prosecutors and judges. The process of appointing judges and prosecutors remained politicized. Inadequate funding and a lack of resources and organization continued to hamper the effectiveness of courts. The government, nevertheless, continued to make progress on judicial reform by strengthening the independence, responsibility, and capacity of judges and prosecutors and increasing the transparency of court rulings.

Trial Procedures

By law defendants are presumed innocent. Authorities are required to inform detained persons of the grounds for their detention. Defendants have the right to be present at their trials. Courts may close certain sessions during testimony of government-protected or other sensitive witnesses. Authorities also close juvenile trials. Juries are not used; professional judges preside over trials. Defendants have the right to consult an attorney in a timely manner in pretrial and trial proceedings. The law requires authorities to provide an attorney at public expense when a defendant is a person with disabilities or is already in detention, destitute, facing a charge carrying a possible sentence of more than 10 years, being tried in absentia, or engaged in a plea bargaining process. Defendants and their attorneys have the right to access government-held evidence relevant to their cases if it does not imperil the investigation, national security, or witness protection. Defendants have the right to remain silent. Both the defense and the prosecution have the right of appeal. These rights extended to all defendants, and authorities generally respected them.

While the judiciary endeavored to hold criminal trials publicly, it was often unable to do so due to a shortage of proper facilities. The shortage also affected the timeliness of trials since only a small number of courtrooms were available. Systemic weaknesses, such as political influence and prolonged procedures, diminished public confidence in the efficiency and impartiality of the judiciary.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

Upon exhausting all other available effective legal remedies, citizens may appeal a perceived violation of human rights to the Constitutional Court. A large number of cases filed with the court involved such complaints. The Constitutional Court does not issue judgments but rather examines the alleged human rights violations. If it finds a violation, it vacates the lower court's decision and refers the case to an appropriate court or other authority to rectify the abuse. During the year the court accepted for review only 3 percent of complaints submitted to it.

There were also administrative remedies for violations of constitutionally protected civil rights, but they were neither easily accessible nor efficient. In cases of police abuses, citizens could address complaints to the Council for Civilian Control of Police Operations, but the council may only make recommendations for action to the chief of police or the interior minister. In 2014 the Ombudsman's Office also received and acted upon a number of complaints, including about the work of courts, the performance of the prosecution, and police conduct. The office was empowered to act in certain individual cases.

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

Property Restitution

A large number of restitution claims for private and religious properties confiscated during the communist era remained unresolved. Both private individuals as well as the Serbian Orthodox Church continued to criticize the government for not actively addressing this problem.

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

The constitution and law prohibit such interference without court approval or legal necessity and prohibit police from searching a residence or conducting undercover or monitoring operations without a warrant. There were no reports that the government failed to respect these requirements for conducting physical and property searches. There were, however, several reports of police misconduct during warranted searches of private residences.

The law requires the ANB and police to obtain court authorization for wiretaps, but human rights activists claimed authorities engaged in wiretapping and surveillance of opposition parties, the international community, NGOs, and other groups without appropriate legal authority. Many individuals, political parties, and other organizations operated on the assumption they were under surveillance.

Media gave extensive coverage to what they described as a failure of authorities to provide information on how they treated data collected by secret surveillance but not used in criminal cases. The Institute Alternativa criticized parliamentary oversight bodies for not proactively monitoring secret surveillance by the ANB or collaboration between law enforcement authorities and mobile and internet service providers.

According to the government's Agency for Protection of Personal Data (APPD), the most common violation of privacy was excessive use of video surveillance in public places by public and private institutions and commercial enterprises without the requisite authorization from the APPD. Such authorization is required before the installation of surveillance equipment in public spaces. The APPD also noted the excessive use of personally identifiable information stored in public registries, particularly those maintained by the health system and financial institutions.

Authorities sometimes unlawfully monitored communications between members of civic organizations. In April the Podgorica high court ruled in favor of the anticorruption NGO MANS, which alleged illegal surveillance of its activities.

The court ruled that each MANS employee should receive 500 euros (\$550) in compensation for illegal police wiretapping of its internet communications beginning in 2010.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

Press and Media Freedoms: Independent media generally expressed a wide variety of political and social views, including through articles and programs that were critical of the authorities. A report by the NGO Center for Civic Education (CCE) warned that selective public funding was “eroding media freedom.” According to the NGO, such funding was provided to reward media outlets favorable to the government and withheld from media that questioned official policies or practices. On December 21, the CCE reported that the government placed 61 percent of its 2014 newspaper advertising in the then government-owned, low-circulation newspaper *Pobjeda*. In their respective categories, the progovernment RTCG and *Portal Analitika* also received the most advertising and other support funds from government agencies.

On December 14, the Montenegro Media Institute (MMI) released a study of the ownership and financing of the country’s media. According to the study, opaque ownership continued to burden the country’s media scene. The report also warned about ineffective measures to prevent illegal media monopolies and a lack of transparency in how public institutions advertise with media outlets. The MMI described these shortcomings as serious threats to the functioning and integrity of the entire media sector.

Deep divisions between progovernment and opposition media prevented the establishment of a functional and unified self-regulation mechanism for journalists. On November 25, however, members of the two opposing groups met under the auspices of the Office of the OSCE Representative on Freedom of the Media and adopted an amended code of ethics. Dunja Mijatovic, the OSCE representative for

freedom of the media, assessed it as “a significant step towards improving media self-regulation.”

In its *2015 Montenegro Progress Report*, published on November 10, the European Commission described a “lack of solid professional and ethical standards accompanied by a lack of efficient self-regulation which does not advance media freedom.”

The independent station TV Vijesti blamed unfair media conditions, government economic pressure, and selective prosecution for its failure to make regular tax payments and contributions to the government budget. Citing Vijesti’s nearly 300,000 euros (\$330,000) in unpaid taxes, the Ministry of Finance blocked its bank accounts for nearly two months in April and May. The station claimed that government actions against it caused a loss of four million euros (\$4.4 million) over the previous eight years. Progovernment media frequently and harshly criticized TV Vijesti’s and the *Vijesti* newspaper’s journalists and owners for their alleged unprofessional and illegal behavior. *Vijesti*’s publishing company, Daily Press, sued Pink M Television and the formerly government-owned newspaper *Pobjeda* for 660,000 euros (\$726,000) in compensation for losses allegedly suffered because of unfair business practices associated with efforts to discredit *Vijesti*. The trial was underway in the Commercial Court.

Violence and Harassment: There were no physical assaults on journalists as in previous years, but there were alleged threats and attacks on the property of media representatives, especially journalists working for opposition or independent media outlets. The independent and opposition media reportedly experienced political and economic pressure as well. The courts convicted the perpetrators of physical assault in a previous year. Many others remained unsolved or lacked court decisions.

In May and June unknown perpetrators damaged the private vehicles of two *Dnevne Novine* correspondents from Kolasin and Bar and of a *Dan* reporter from Bijelo Polje. As of December police had not identified any suspects.

There were five convictions in the 2014 beating of a *Dan* journalist. The courts also convicted Damir Mandic of the 2004 killing of *Dan*’s editor in chief, Dusko Jovanovic, although other suspects and the masterminds of the killing remained free. Earlier attacks on property and personnel associated with the publication *Vijesti* were either unresolved or resulted in unsuccessful prosecution.

During the year the deputy editor in chief of *Dan*, who chaired a commission founded by the Ministry of Interior to monitor police investigations into attacks and threats against journalists, publicly alleged authorities obstructed the commission's work by not allowing its members access to relevant data.

Censorship and Content Restrictions: Independent and opposition media complained about unfair treatment and economic pressure from government ministries and agencies. Government opponents continued to claim that the ruling political structures controlled the country's public radio and television broadcaster, Radio and Television of Montenegro (RTCG), and that its broadcasts favored the ruling DPS and its satellite parties.

Some media outlets demonstrated a willingness to criticize the government. The prominence of articles and television programs critical of authorities suggested self-censorship was not a major problem. Lack of training and unprofessional journalistic behavior combined with political and economic interference and low salaries for journalists contributed at times to biased coverage.

On March 25, the Podgorica Basic Court fined Novak Uskokovic, the editor in chief of the Montenegrin edition of the sensationalist Serbian print tabloid *Informer*, 5,000 euros (\$5,500) for spreading racial and religious hatred and damaging the reputation of ethnic minorities in articles about the country's ethnic Albanians.

Libel/Slander Laws: There is no criminal libel law, but media outlets to faced libel charges in civil proceedings. For example, on March 6, the Bijelo Polje High Court overturned two previous lower-court rulings and ordered the independent weekly *Monitor* to pay 5,000 euros (\$5,500) to Ana Kolarevic for defamation. *Monitor* reported allegations that Kolarevic, the sister of Prime Minister Milo Djukanovic, was involved in a bribery scheme related to the privatization of the government-owned telecommunications company. Kolarevic won the first round of a similar suit against the newspaper *Vijesti*, which was on appeal as of December.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, but there were credible reports it monitored private online communications without appropriate legal authority. On February 16, the parliament adopted legislation authorizing direct ANB access to the registries and

databases of all legal entities in the country without prior court authorization. NGOs alleged police and intelligence services unlawfully collected data from citizens' mobile phones and internet usage.

The Agency for Electronic Communications and Postal Services estimated internet penetration during the year to be approximately 57 percent.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the freedom of assembly. The government usually respected this right, but on several occasions, the Interior Ministry denied permits to workers and LGBTI groups wishing to assemble and express their grievances. Public gatherings within 50 meters (164 feet) of government buildings are prohibited.

From June 18-26, police blocked a motorcade of workers of the firm Boksiti of Niksic who were using heavy construction machinery to go to a protest in Podgorica. Police filed criminal charges against 35 persons in connection with this demonstration and filed misdemeanor charges against 58 participants.

Police in Niksic invoked security reasons to ban temporarily a gay pride rally in Niksic planned for September 18. The NGOs LGBTI Forum Progress and Hiperion stated this was the third time during the year that police banned the rally.

Police contended they prohibited gatherings that would disturb public peace and order and interfere with traffic. In some cases authorities offered protesters other locations for their demonstrations. In a few cases, when protesters assembled without authorization or failed to respect police orders to disperse, police detained them for questioning and charged them with misdemeanor offenses. In July 2014 the Constitutional Court found that some provisions of the law on assembly violated the constitution's freedom of assembly provisions.

Freedom of Association

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

c. Freedom of Religion

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

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

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

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

Internally Displaced Persons (IDPs)

The government reported approximately 16,000 refugees and internally displaced persons who were in the country as a result of the 1990s Yugoslav wars. In an effort to resolve the refugee crisis, the government set an application deadline of December 31, 2014, for all refugees seeking the status of foreigner with permanent residence. Government ministries worked closely with UNHCR and other international organizations to assist refugees in applying for the status. The Ministry of Interior reported that 12,854 persons submitted applications for the status as of September 1. Of these, 10,365 received permanent resident status, and 237 received temporary resident status, with another 2,008 applications still pending. Those who acquired temporary residence needed further assistance to acquire permanent residence. An additional 1,200 persons acquired Montenegrin citizenship.

While majority of refugees sought and received permanent resident status, 2,872 never applied. This population consisted of an estimated 295 persons who fled Croatia and Bosnia in 1991-95, designated by the government as displaced persons (DPs), and 2,577 persons who fled Kosovo in 1999, designated as IDPs. Authorities were not certain how many of these persons remained in the country

during the year.

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

The governments of Montenegro and Kosovo, with UNHCR and OSCE support, organized mobile teams to assist displaced Roma, Ashkali, and Balkan Egyptians in the Konik camp in Podgorica and elsewhere to obtain personal documents. This program assisted approximately 500 persons (out of estimated 1,200 in need) to obtain Kosovo passports during the first 11 months of the year. New changes in the law created a judicial process for establishing the date and place of birth of persons born outside the hospital system. The new process facilitated the registration of births of those born in Montenegro, especially Roma, Ashkali, and Balkan Egyptian children. UNHCR voiced concern about an estimated 300 persons who were born outside the hospital systems of Kosovo or Montenegro, whose births were not registered, and for whom mobile teams could not establish verifiable identity documentation.

Conditions for IDPs and DPs from the Yugoslav wars varied. Access to employment, health care, and social services was sometimes limited due to a language barrier, insufficient integration programs, lack of documentation, or unclear or inconsistent administrative procedures.

A number of IDPs continued to live in substandard dwellings and struggled to pay rent for private accommodation or feared eviction from illegally occupied facilities known as informal collective centers. Approximately 2,000 persons with DP or IDP status remained in barely habitable privatized facilities. As many as 1,800 Roma from Kosovo remained in a settlement in Berane and in two camps in Podgorica, while approximately 250 Kosovo-Serbs continued to live in substandard collective housing in Berane. As a part of its effort to improve the situation in the Konik camp in Podgorica, the government, with EU funding, provided 48 housing units as of October. International donors continued to assist camp residents.

Together with Croatia, Serbia, and Bosnia and Herzegovina, the country is a party to a regional housing program, facilitated by international donors, which worked to

provide durable solutions for up to 6,000 DPs and IDPs.

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

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

The government continued to encourage DPs and IDPs to return to their places of origin, but repatriation slowed to a trickle due to the preference of many IDPs and DPs to remain, to fear of reprisals in their countries of origin, and to lack of resources. During first 11 months of the year, 27 internally displaced families, consisting of 142 persons, voluntarily returned to Kosovo.

Protection of Refugees

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers/potential refugees, economic migrants, and trafficking victims, among others. For simplicity, this report will refer to these populations as “migrants and asylum seekers” if more specific information is not available.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees that was generally free of discrimination.

Access to Basic Services: Almost all “asylum seekers” were migrants in transit through the country. Authorities required that they apply for asylum before they could be admitted. During their stay they received free accommodations, food, and basic health and social services in the Center for Asylum Seekers. A local UNHCR-funded NGO provided legal assistance. The government’s capacity to handle other needs of this population remained problematic.

Durable Solutions: A path to citizenship is available, but required evidence that the

applicant had renounced the citizenship of his or her country of origin.

Temporary Protection: The government provided temporary protection to migrants and asylum seekers, and provided it to approximately 1,570 persons during the year. Almost all of these persons were transiting the country. After fulfilling the requirement that they apply for asylum, they could remain in the country until authorities adjudicated their applications. Most of them, however, departed the country before adjudication took place.

Stateless Persons

Persons derive their citizenship from the nationality of their parents. According to UNHCR, there were no legally recognized stateless persons in the country, but several thousand individuals were stateless de facto. The most common problem confronting them, especially Roma, Ashkali, and Balkan Egyptians born in the country or in Kosovo, was a lack of personal documentation, specifically birth and civil registration documents.

The 2011 census identified 4,312 persons who claimed to be without any citizenship. Of those, 3,471 claimed to be born in the country. In a two-month drive during the year, the government registered only seven persons as stateless of the 486 persons who applied for this status. By the end of the year the Ministry of Interior issued temporary travel documents to these stateless persons.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: In 2013 the country held presidential elections, which the OSCE, through a limited observer mission, described as professionally and efficiently administered. At the same time, the OSCE mission's final report noted a blurring of the lines between the state and the ruling coalition. A limited OSCE mission characterized the conduct of parliamentary elections in 2012 as a further step toward meeting the country's OSCE commitments, but the mission also found voting irregularities and state-party confluence that undermined popular confidence.

The parliament elected the new State Election Commission chair on October 8, months after the legal deadline of April 2014.

Political Parties and Political Participation: During the year the ruling coalition was a dominant force. Membership in a ruling coalition party reportedly conferred advantages in civil service hiring and in the private sector.

Some civic activists accused the ruling party of misappropriating state funds for unfair electoral gain. The Center for Democratic Transition, an NGO, alleged that social allowances significantly increased during electoral years and called on the authorities to investigate all cases of possible abuse of social allowances to obtain illegal electoral gains, in particular in Pljevlja and Rozaje. On August 12, the parliament established a Committee for Monitoring the Implementation of the Electoral Law with the aim of restoring confidence in the electoral process.

Participation of Women and Minorities: Women were active participants in political life.

Approximately one-fourth of members of parliament were from minority groups. The 16-member cabinet contained three members of minority groups. All minority groups had representatives in the parliament except Roma, Ashkali, and Balkan Egyptians, who remained unrepresented in spite of a law that provides representation to minority groups that win less than three percent of the vote or constitute less than 15 percent of the population. The law also provides for positive discrimination at the municipal level for minorities constituting from 1.5 to 15 percent of population. There were no political representatives of Roma, Ashkali, or Balkan Egyptians at the municipal level (see section 6, National/Racial/Ethnic Minorities).

Section 4. Corruption and Lack of Transparency in Government

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

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

On March 22, the Ministry of Interior established a special unit of 10 inspectors to fight corruption and organized crime. As of December the authorities did not appoint the head of this team.

On June 26, the parliament elected five individuals, including the vocal anticorruption civil society activist, Vanja Calovic from MANS, as members of the Anticorruption Agency Council. On October 2, the Agency Council appointed as director of the Anticorruption Agency a retired police officer, Sreten Radonjic, who was former assistant minister and head of the police criminal department.

Corruption: Most citizen reports of corruption to the Administration for the Anticorruption Initiative involved public administration, private sector, and the judiciary. Human rights observers alleged the government interfered in legal proceedings involving officials' misuse of government resources as well as abuse of their official positions to employ party followers. There were numerous allegations that membership in the ruling coalition parties was a prerequisite for employment in public administration.

During the year Special Prosecutor Milivoje Katnic initiated a number of high-level corruption cases. For example, on August 13, police arrested 13 local officials of the Budva municipality, including the incumbent mayor of Budva, Lazar Radjenovic, former mayor Rajko Kuljaca, former deputy mayor Dragan Marovic, City Manager Milena Marovic-Bogdanovic, and Aleksandar Ticic, an adviser to the prime minister, on suspicion of embezzling several million euros from the Budva municipal budget. The embezzlement was allegedly connected to several large-scale construction projects in Budva. Six officials of the Budva municipality remained in detention. On December 17, police arrested Svetozar Marovic, a high-ranking official of the ruling DPS, on suspicion of involvement in corruption and an organized crime group that embezzled millions of dollars from the Budva municipal budget. Many of Marovic's family members, including his son, daughter, brother, and aunt, were arrested earlier on similar charges. The press repeatedly reported that Marovic was behind a network of local officials and businessmen from Budva connected through various corrupt enterprises.

On November 16, the Special Prosecutor's Office opened an investigation of former directors of Crnogorski Telekom, Oleg Obradovic, and Miodrag Ivanovic who are accused of being involved in a 7.3 million euro (\$8 million) corruption scheme during the 2005 sale of the state-owned telecom.

NGOs and corruption watchdogs alleged that officials often rigged valuable public tenders to benefit companies close to the ruling parties. MANS reported that in 2014, 59 state institutions and local governments violated the legal requirement that direct transactions that bypass the formal procurement process not exceed 10 percent of the annual value of procurement. The state auditor general reported violations by many state agencies but did not file any criminal charges. Some NGOs alleged that certain legal entities were not properly audited because of their connections to the ruling elite. On May 1, the authorities began implementation of a new law on public procurement that provided for monitoring tender implementation and publishing the related documentation.

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

There are criminal asset forfeiture laws, but judges implemented them seldom and ineffectively, and evidentiary standards for seizing assets were very high. On October 23, the parliament adopted a new law that expanded possibilities for the freezing, seizure, and confiscation of illicit proceeds and authorized the creation of multidisciplinary financial investigation teams.

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

Financial Disclosure: Government officials were subject to financial and asset disclosure laws and had to report any increases in value of personal property by more than 5,000 euros (\$5,500). Most complied with the requirements in a timely fashion. Officials must report any gift exceeding 50 euros (\$55) to the Commission for the Prevention of Conflicts of Interest (CPCI). Violations of the obligation to file and disclose are subject to administrative or misdemeanor sanctions. Inadequate administrative and financial resources limited the CPCI's oversight activities.

According to the CPCI, 635 officials subject to an income disclosure requirement inaccurately reported their income during the first eight months of the year. During the same period, the courts imposed lenient financial penalties on 304 officials for failing to report their income in a timely manner, providing false statements on public official asset disclosure forms, or illegally retaining membership on more than one board of directors. The CPCI refused to disclose to the media the names of the officials it fined, citing a decision of the Agency for Protection of Personal Data that prohibited the disclosures without the express consent of the persons concerned. NGOs criticized nondisclosure of names of those fined as evidence of inappropriate political influence on state institutions.

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

Some ministries responded to information requests, while others at times publicly criticized the requests. The NGO Center for Democratic Transition (CDT), which monitored the transparency of government institutions, reported in July that, in contrast to the previous year, prosecutors' offices at all levels became some of the most transparent institutions in the country. According to the CDT, prosecutors published 99 percent of all information as required by the law.

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

Persons whose request for information is denied can appeal to the Agency for Protection of Personal Data, which generally sided with the appellant. In 2014 the Agency addressed 1,750 such appeals and found that 1,332 denials were improper. Many government bodies reversed their initial denials. During 2015, however, government bodies often failed to reverse their initial denials in such cases. The agency criticized the Interior Ministry for not investigating in these cases.

The CDT alleged that the Agency for Protection of Personal Data did not have sufficient capacity to monitor the agencies failing to respond to information requests. The level of access did not differ for noncitizens or the foreign or domestic press.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to the views of international groups, but some domestic NGOs assessed cooperation as only nominal while others reported it to be uneven. On September 11, the nongovernmental Center for Development of NGOs stated that government often subjected NGOs to pressure because of their critical views. According to a survey the center conducted, only three state agencies of 32 polled cooperated with NGOs in drafting their annual action plans.

During the first 10 months of the year, 55 NGOs participated in the activities of government agencies, most often as members of working groups and councils dealing with such problems as negotiations for EU accession. Financial viability remained the most challenging obstacle for civil society organizations, particularly at the local level. According to some NGOs, local governments, through opaque discretionary funding, played an active role in deciding which NGOs would receive assistance and which would not. The Office for Cooperation with NGOs, the principal mechanism, remained underdeveloped and understaffed.

Government Human Rights Bodies: The Office of Protector of Human Rights and Freedoms serves as the ombudsman to prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment, as well as discrimination. The Ombudsman's Office may investigate alleged government human rights violations and inspect such institutions as prisons and pretrial detention centers without prior notification. It may access all documents, irrespective of their level of secrecy, relating to detainees or convicts, and talk to prisoners or detainees without presence of officials. The Ombudsman's Office may not act upon complaints about judicial proceedings in process, except when the complaint involves delays,

obvious procedural violations, or failure to carry out court decisions. The ombudsman may propose new laws, ask the Constitutional Court to determine whether a law violates the constitution or treaty obligations, evaluate particular human rights problems upon request of a competent body, address general problems that are important for the protection and promotion of human rights and freedoms, and cooperate with other organizations and institutions dealing with human rights and freedoms.

The ombudsman operated without government or party interference and enjoyed cooperation with NGOs. Upon finding a violation of human rights by a government agency, the ombudsman could request remedial measures, including dismissal of the violator, and evaluate how well the agency implemented the remedial measures. Failure to comply with the ombudsman's request for corrective action within a defined period was punishable by fines of 500 to 2,500 euros (\$550 to \$2,750). The government and the courts generally implemented the ombudsman's recommendations, although often with administrative delays.

During its July 1 session, the national Antidiscrimination Council noted that the Ombudsman's Office did not to use its full authority in dealing with some cases of alleged discrimination. The NGO Center for Civic Education criticized the serving ombudsman's performance as slow and ineffective. The Institute Alternativa called on the parliament not to re-elect the ombudsman once his term expired in December. The NGO Human Rights Action criticized the president for avoiding the required NGO consultations about the ombudsman's re-election and of blaming his decision on the Ministry for Human and Minority Rights.

The parliament had an 11-member Standing Committee for Human Rights and Freedoms. Many observers continued to perceive its contribution as insignificant.

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

The constitution and law prohibit discrimination based on race, sexual orientation, gender, disability, language, and social status. The government did not fully enforce these prohibitions. Discrimination continued, especially against persons with disabilities; ethnic minorities, particularly Roma; LGBTI persons; women; and the elderly. Persons could bring complaints of discrimination to the Office of the Ombudsman, but the institution lacked the human, technical, and financial resources to address them adequately. Government continued to conduct antidiscrimination campaigns and provide training for public servants, but efforts to combat discrimination and enforce the antidiscrimination law remained modest.

Women

Rape and Domestic Violence: These acts are illegal. In most cases the penalty for rape, including spousal rape, is one to 10 years in prison. When the victim is younger than 14, suffers serious bodily injury, or is the victim of several perpetrators, punishment may be more severe. Imposed sentences were generally lenient, the average being three years.

In 2014 police received five reports of rape involving eight perpetrators. They indicted three persons.

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

Domestic violence was a persistent and common problem. In a September statement, the resident representative of the UN Development Program voiced concern that every third woman in the country was a victim of physical or some other form of family abuse at some point in her life. According to the Center for Women's Rights, abused women or victims of rape often did not report the crime due to fear of reprisal, economic dependency, lack of information, physical and social subjugation, lack of measures to prevent reoccurrence, or social stigma. In many cases victims declined to press charges even when evidence of an attack or rape was clear.

According to NGO reports, courts often failed to prosecute domestic violence, and when they did so, sentences were lenient. Victims and families commonly viewed civil proceedings as substitutes for prosecution. Termination of prosecution was frequent, particularly in cases of "reconciliation" among the parties or "withdrawal" of the victim's accusation. Lengthy trials, economic dependency, and a lack of alternative places to live often forced victims and perpetrators to continue to live together.

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

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

According to NGOs and the ombudsman, female victims of domestic violence often complained that government-run social welfare centers did not respond adequately to their appeals for help. During the year several cases highlighted by the media raised doubts about the government's ability to protect women from repeated violence or threats.

In September the government, in cooperation with an NGO, initiated a free hotline for victims of family violence, but NGOs considered that despite some progress, particularly in the law, some government agencies responded inadequately to prevent the violence and help survivors recover. More victims reported instances of family violence due to the hotline's availability. The performance of personnel responsible for assisting domestic violence or rape victims was mixed. Many lacked the requisite training to be able to assist effectively.

NGOs working to combat domestic violence had to rely largely on international donor assistance. Nongovernmental shelters provided victim protection but struggled to secure adequate funding for victim reintegration. NGOs operated three shelters for victims of domestic violence--two in the central part of the country and one in the north. Women's advocacy groups worked to fight domestic violence through awareness-raising campaigns and to improve women's access to legal services and workshops. In the first 11 months of the year, 470 victims of family violence stayed in the shelter of the NGO Women's Safe House.

Sexual Harassment: According to the Center for Women's Rights, sexual harassment of women occurred often, but few women reported it. Public awareness of the problem remained low. Victims hesitated to report harassment due to fear of employer reprisals and a lack of information about legal remedies.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely the number and timing of their children, to manage their reproductive health, and to have the information and means to do so, free from discrimination, coercion, and violence. Romani women generally had the least access to family planning counseling and gynecological services, since many of them rarely saw doctors.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, labor, property, nationality, and inheritance laws.

All property acquired during marriage is joint property. The NGO SOS noted that it was often difficult for women to defend their property rights in divorce proceedings due to the widespread belief that the property belongs to the man. In inheritance traditions there were instances of women ceding their property and inheritance rights to men, but this practice continued to decline. A consequence of these factors was that men tended to be favored in the distribution of property ownership.

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

Widespread discriminatory cultural norms prevented women from participating equally in all areas of social development and generally discouraged them from seeking work outside the home. Employers at times violated women's entitlement to a 40-hour workweek, overtime, paid leave, and maternity leave. Societal expectations regarding women's obligations toward the family adversely affected their opportunities to obtain jobs and advance in the workplace (also see section 7.d.).

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

In the Romani, Ashkali, and Balkan Egyptian communities, traditional values, societal prejudice, and a tendency to leave school prematurely limited educational opportunities for women. Due to poor education and harsh living conditions, Romani women seldom visited gynecologists or obstetricians, with negative consequences for their health and for infant mortality rates. According to Romani NGOs, one-half of Romani women between the ages of 15 and 24 were illiterate. Romani women often noted that they faced double discrimination based on their gender and ethnicity.

The government conducted a campaign to prevent discrimination against women and strengthen women's political participation. The parliamentary committee on gender equality and the Center for Feminist Culture NGO also ran a campaign on curbing violence against women through the establishment of support groups.

Gender-biased Sex Selection: Although it is illegal, medical professionals noted that selective sex selection took place, resulting in a boy-to-girl birth ratio of 110:100. The government did not actively address the problem.

Children

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

UNHCR continued to work with authorities to address low rates of birth registration among Kosovo IDPs, but progress was slow. Of 61 unregistered children of Romani and Balkan Egyptian parents whom UNHCR presented to the authorities during the year, authorities registered 17. Parents failed to submit requests for registration in 39 cases, while five cases remained pending at year's end.

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

The percentage was much lower for Romani children (51 percent) and Balkan Egyptian children (54 percent). Although the situation improved as more Romani children enrolled in the schools, the majority did not finish secondary school, and few enrolled in university programs. During the year 1,538 Romani and Balkan

Egyptian students attended primary school, but only 80 students from these communities attended secondary school, and 20 attended university. Obstacles to education included poverty, lack of fluency in the Montenegrin language, lack of identity documents, and community pressure to contribute to family income from a young age. Girls were more likely than boys to leave primary school. Many parents did not want their children, particularly girls, to go to school, preferring that they stay at home and marry at an early age. A government commission responsible for monitoring school dropouts achieved no substantial results. During 2014 authorities charged 19 Roma parents with failure to ensure that their children regularly attended school. To assist the education process, authorities hired 72 aides to provide 220 Romani children with more individualized attention. There were no textbooks in the Romani language.

Child Abuse: The Ministry of Health reported that during childhood every third child was subject to emotional abuse, while every fourth child was victim of physical abuse. Many children, particularly high school students, were exposed to alcohol, drugs, and violence. According to the Center for Children Rights and media reports, peer violence among children was on the rise. During 2014 the country's social centers received 370 reports of child abuse. The abusers were mostly close relatives of the children and abuse usually occurred at home.

Authorities prosecuted child abuse, but facilities and psychotherapy assistance for children who suffered from family violence were inadequate, and there were no marital or family counseling centers. At times authorities placed juvenile victims of domestic violence in the children's correctional facility in Ljubovic or the orphanage in Bijela.

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

Many parents and relatives forced Romani, Ashkali, and Balkan Egyptian children to work at an early age to contribute to family income. They engaged in begging at busy intersections, on street corners, door to door, and in restaurants and cafes. While many children were from Montenegro, a large percentage of those between the ages of seven and 16 were from nearby countries. Police generally returned the children they apprehended to their families. The ombudsman noted progress in the efforts of police and social centers to prevent begging (see section 7.c.).

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

Authorities considered such common law marriages illegal. Punishment for arranging forced marriages ranges from six months to five years in prison. Romani NGOs claimed that families paid dowries of 4,000 to 15,000 euros (\$4,400 to \$16,500) for child brides. NGOs reported that parents of some girls sold them into marriage, including to foreigners. The custom of buying or selling virgin brides continued in the Romani, Ashkali, and Balkan Egyptian communities; grooms reportedly paid between 1,000 to 10,000 euros (\$1,100 to \$11,000). The government implemented measures to prevent underage marriage, including enforcing mandatory school education and prosecuting persons who arranged early marriages. During the first nine months of the year, courts issued three prison sentences and two suspended sentences to persons convicted of arranging early marriages.

Sexual Exploitation of Children: The age of sexual consent is 18. There is a statutory rape law. Sexual activity with a juvenile carries a prison sentence of up to three years. Paying a juvenile for sexual activity carries a prison term of three months to five years. Authorities may fine or imprison for one to 10 years any person found guilty of inducing a minor into prostitution. Romani child beggars were at risk of sex trafficking. According to a survey of Roma conducted in Podgorica and Berane in April 2014 by the NGO Montenegrin Women's Lobby, 71 percent of respondents knew of prostitution cases involving minor Romani girls.

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

Institutionalized Children: In December 2014 the Komanski Most Institution for Persons with Special Needs transferred its two remaining children to "June 1," a center in Podgorica for children and persons with intellectual disabilities and autism.

Authorities continued to give priority to deinstitutionalization of children. With support from the UN Children's Fund and the EU, the government worked to

develop a foster care system as an alternative to institutionalization. The government reported that as of May, 261 foster families sheltered a total of 373 children. The government reduced the number of children at the orphanage in Bijela from 120 in 2014 to 95 as of October.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see travel.state.gov/content/childabduction/en/country/montenegro.html.

Anti-Semitism

There were no reports of anti-Semitic acts against the country's small Jewish community, which numbered approximately 500 individuals. On January 27, the Jewish Community, the Ministry of Human and Minority Rights, and the Ministry of Education and Sports organized a commemoration of International Holocaust Remembrance Day in the Slobodan Skerovic High School in Podgorica.

In October more than 400 representatives from Jewish communities in the former Yugoslavia and other Balkan countries convened in Petrovac for the third annual Mahar conference. At the conference, organized by the country's Jewish community, 26 leaders of the region's Jewish communities met for the first time since 1995. The World Jewish Congress (WJC) noted the respect the country has shown for its local Jewish community. Milan Rocen, special advisor to the prime minister, recounted the country's antifascist movement and its protection of Jews during the Nazi era. The WJC chief executive officer met with Foreign Minister Igor Luksic to discuss the problems facing the local Jewish community, including anti-Semitism in Europe.

Trafficking in Persons

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

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care, pensions, allowances, family care and support, building, information, air travel,

and road and railway transportation. The government did not enforce these laws effectively.

Authorities generally enforced the requirement that new public buildings be accessible to persons with disabilities, but most public facilities, including buildings and public transportation, were older and lacked access. The government allocated funds for construction of accessibility ramps in 13 key facilities across the country, but built ramps in only two during the year. Some NGOs stated the improvements still do not meet international accessibility standards. Although election laws specifically require accessible polling places, the majority of polling stations were not.

Legal support for persons with disabilities improved and their visibility increased somewhat, but they remained among the most vulnerable members of society. On July 1, the parliament adopted an antidiscrimination law to protect persons with disabilities and implement their rights in education, health care, and transportation. Despite these and other legal protections, persons with disabilities often hesitated to institute legal proceedings against persons or institutions seen to be violating their rights. Observers ascribed this reluctance to lack of faith in the legal system based on the adverse outcomes of previous court cases or, according to the ombudsman, to insufficient public awareness of human rights and protection mechanisms relating to disabilities. The ombudsman's 2014 annual report noted that courts received seven cases involving discrimination against persons with disabilities.

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

Despite the council's efforts, NGOs contended that the government was significantly late in implementing its action plan to integrate persons with disabilities into society.

Services at the local level to children with mental and physical disabilities remained inadequate, according to NGOs. Associations of parents of children with disabilities were the primary providers of these services. The law permits parents

or guardians of persons with disabilities to work half time, but employers did not respect this right. Following adoption of amendments to the Social and Child Protection Law, the government also increased financial assistance to unemployed parents of children with disabilities.

The government made efforts to enable children with disabilities to attend schools and universities, but education and facilities to accommodate them remained inadequate at all levels. There was a widespread public perception that children with disabilities were ill and should be institutionalized and separated from other children. During the year the government continued to assign assistants to schools to help children with disabilities. The government operated nine day-care centers for younger children with disabilities. Children with disabilities attended primary and, to a lesser degree, secondary schools in both regular schools and specialized schools for children with disabilities. There were three specialized schools, two in Podgorica and one in Kotor. Only some universities were accessible.

Medical care for persons with mental disabilities remained inadequate. Institutionalization perpetuated stigmatization. Persons with physical disabilities had difficulty obtaining high-quality medical devices to facilitate their mobility and other orthopedic aids through health and social insurance.

Employment opportunities for persons with disabilities were limited and discrimination was widespread (see section 7.d.).

National/Racial/Ethnic Minorities

Roma, Ashkali, and Balkan Egyptians remained the most vulnerable victims of discrimination, mainly due to prejudice and limited access to social services (see also section 2.d.). Their lack of required documents often limited their access to services. The law relating to citizenship and its accompanying regulations made obtaining citizenship difficult for persons without personal identity documents or those born outside of a hospital. For example, access to healthcare services remained difficult for the members of these communities due to the lack of medical care cards.

According to the 2011 census, Roma, Ashkali, and Balkan Egyptians constituted approximately 1 percent of the population. Many of them lived illegally in squatter settlements that were often widely scattered and lacked services such as public utilities, medical care, and sewage disposal.

Romani, Ashkali, and Balkan Egyptian children experienced official discrimination as well as societal discrimination by peers in school (see section 6, Children). During the 2014-15 academic year, the primary school dropout rate for students belonging to the Romani, Ashkali, and Balkan Egyptian minorities was approximately 50 percent. The Ministry of Human and Minority Rights provided scholarships for all secondary school and university Romani, Ashkali, and Balkan Egyptian students.

In February 2014 the UN Committee on Elimination of Racial Discrimination reported that Roma and Balkan Egyptians lacked the basic resources for living and cited educational difficulties and begging as the group's major problems. Unlike other minorities Roma, Ashkali, and Balkan Egyptians generally did not participate in politics and lacked political representation. The Roma National Council asserted that amendments to the electoral legislation adopted during 2014 would not advance political representation of Roma in the national parliament and described the amendments as a typical example of selective justice and "double standard."

According to the Ministry of Human and Minority Rights, the greatest disadvantages facing these groups were poverty, prejudice, low levels of education, unemployment, inadequate housing, ethnic stereotyping, and their nomadic lifestyle. Many Roma lacked opportunities for training, marketable skills, or relevant work experience to participate in the formal economy. According to government statistics, Romani, Ashkali, and Balkan Egyptians made up 4 percent of the working age population, and 1,326 were registered with the State Employment Agency as seeking work. According to a March 2014 study, government measures to assist these communities did not achieve concrete results. Most employed Roma worked as sanitation workers or at other jobs generally considered undesirable.

The leaders of other ethnic minority communities continued to allege they were underrepresented in the parliament, the government administration, the judiciary, and government-owned economic enterprises. An August study by the Ministry of Human and Minority Rights showed a large imbalance in the ethnic distribution in some categories of public sector jobs, including prosecutorial functions and the judiciary. Ethnic Montenegrins, who constituted less than half of the population, held 75 percent of public sector jobs; the other ethnic groups were underrepresented to varying degrees.

Some Albanian groups claimed that authorities' refusal to meet their request that the Tuzi area of the Podgorica municipality become a separate municipality constituted discrimination against them. They also criticized the Ministry of Education for an insufficient focus on Albanian content in the history, musical education, and geography curricula in schools for Albanian students and insufficient opportunity for students to use the Albanian alphabet. The Ministry of Education and Sports distributed 288 Albanian-language spelling books to six schools that use Albanian.

Albanians and Bosniaks in the northern and southern parts of the country frequently complained they were victims of central government discrimination and economic neglect. A few activists alleged that this disparity was an intentional policy designed to compel them to leave the country in search of economic opportunity. Ethnic Serbian politicians claimed that the government discriminated against Serbian national identity, language, and religion.

There were government-supported national councils for Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma, intended to represent the interests of these ethnic minorities. NGOs, legal observers, and the media continued to accuse the government of misappropriating money from a fund established to finance the national councils, particularly the Romani and Serbian National Councils.

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

The law forbids discrimination based on sexual orientation and gender identity and applies to LGBTI individuals.

LGBTI persons and their supporters experienced continued societal discrimination, ostracism, public hostility, and violent abuse. Negative public perception of LGBTI persons led many to conceal their sexual orientation, although there was a trend toward greater visibility as LGBTI persons came out to their families and colleagues. There were reports of intolerance by medical practitioners toward gay persons. Serbian Orthodox Church representatives often spoke in a prejudicial manner against LGBTI persons.

LGBTI representatives claimed that young persons perpetrated 80 percent of violent crimes against members of the LGBTI community. Hostile individuals used social media and LGBTI dating sites to attack and bully known and suspected LGBTI persons anonymously. NGOs reported the number of attacks rose during

the year. During 2014 and the first nine months of 2015, prosecutors brought charges in 17 cases involving violence against LGBTI persons. LGBTI activists stated that members of the community did not report some violent attacks against them to police because the victims were afraid of further victimization generated by their complaints. Police provided 24-hour protection to the LGBTI Social Center because hooligans broke its windows several times during the year.

On May 29, the basic court in Podgorica sentenced Stefan Mitrovic (23), Bojan Vujasevic (21), and Nikola Racic (22) to three months in prison each for threatening the security of Stevan Milivojevic, director of the LGBTI advocacy NGO, Forum Progress. The prosecutor charged the three individuals with insulting Milivojevic on April 10 as he met in a cafe in Podgorica with Terry Reintke, a German member of the European Parliament.

On August 31, the NGOs which advocate for LGBTI rights, Forum Progress, Social Center, and Tourism Institute, protested the poor implementation of the government's national LGBTI strategy and urged the government to address the causes of its failure. The NGOs demanded better cooperation with the government and inclusive LGBTI textbooks.

On September 18, invoking security concerns, local police authorities "temporarily" banned a gay pride parade in Niksic for the third time. Earlier, university and police officials canceled events at the philosophy faculty in Niksic on two occasions because police believed the events could spark violent opposition. Forum Progress and the LGBTI NGO Hiperion in Niksic lodged an appeal with the Administrative Court and criticized the decision as a violation of their right to peaceful assembly.

Approximately 200 persons, accompanied by a strong police presence, marched peacefully in the Third Podgorica Pride Parade on December 13. Minister of Human and Minority Rights Suad Numanovic, Podgorica mayor Slavoljub Stijepovic, representatives of political parties, civil society activists, and members of the diplomatic corps joined the organizers from LGBTI rights NGOs.

NGOs reported that police cooperation with the LGBTI community improved, but some prosecutors and judges demonstrated prejudice against LGBTI persons. Every police station had an officer whose duties included monitoring observance of the rights of LGBTI persons.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to organize, join trade unions, bargain collectively, and conduct legal strikes. In order to represent workers in collective bargaining at the enterprise level, a union must have at least 20 percent of the workforce in the enterprise as members. To act as a worker representative in a particular sector, group or branch of industry, a trade union must include at least 15 percent of the total workforce in that sector, group or branch. The law prohibits discrimination against union members or those seeking to organize a union and requires the reinstatement of workers dismissed for union activity.

Although allowed by law, collective bargaining remained rare. The government continued to be party to collective negotiations at the national level. Only the union with the largest registered membership at any given level was entitled to bargain, negotiate settlements of collective labor disputes, or participate in other government bodies.

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

The government did not effectively enforce applicable labor laws, and its resources, inspections, and remediation efforts were inadequate. Penalties for violations range from minor fines to imprisonment for one year and, if enforced, would be sufficient to deter most violations.

Administrative and judicial procedures were subject to lengthy delays and appeals, sometimes taking years. In the period 2010-14, the Agency for Peaceful Resolution of Labor Disputes (under the Ministry of Labor and Social Welfare) reviewed 7,804 cases, of which 7,792 involved individuals and 12 involved groups. Most disputes (90 percent) accused state institutions of violating laws on overtime, night work, holidays, social insurance contribution requirements, and other administrative regulations.

None of the protections available to workers legally registered with the State Employment Agency applied to unregistered workers, many of whom came from abroad and did not have contracts. Foreign unregistered workers were reportedly common, especially during the summer, in construction, trade, tourism, agriculture, and catering.

The government generally respected freedom of association. Unions carried out their functions free from government or political control. Workers exercised their right to join unions and engage in collective bargaining.

Management and local authorities often blocked attempts to organize strikes by declaring them illegal, citing lack of legally required advance notice. There were reports from employees in both the private and public sectors that employers threatened or otherwise intimidated workers who engaged in union organizing or in other legal union activities. In some cases private employers reduced workers' salaries or dismissed them because of their union activities. On March 30, for example, the new owners of the Crne Gore aluminum plant fired the president of the plant's trade union, Sandra Obradovic. Some workers who successfully challenged their dismissals in court still had to wait years before regaining employment.

Workers in privatized or bankrupt companies had outstanding claims for back pay and severance. In some cases workers were not able to collect on their claims, in spite of valid court decisions in their favor. Several local governments failed to pay their staff for months at a time. Unpaid wages, factory closures, and growing poverty led to large-scale strikes.

Trade unions claimed that workers were largely unaware of their rights and afraid of retaliation if they initiated complaints.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, but media reported instances of forced labor in the construction sector, of Romani girls forced into domestic servitude, and of children subjected to forced begging, mostly by their families (see section 7.c.).

The law specifies a maximum of 10 years' imprisonment for offenses related to forced labor and is sufficiently stringent compared to penalties for other serious crimes. Authorities made minimal efforts to investigate or identify victims of forced labor. There were no prosecutions or convictions.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The official minimum age for employment is 15. Children younger than 18 may not engage in jobs that require difficult physical labor; overtime; work at night, underground, or underwater; or work that "may have a harmful effect or involve increased risk for their health and lives." The government generally enforced these restrictions in the formal, but not the informal, economy.

The Labor Inspectorate; the Ministries of Labor and Social Welfare, Interior, Health, Justice, and Education; and the ombudsman's deputy for the rights of the child were responsible for enforcing child labor laws. The law specifies fines ranging from 2,000 to 20,000 euros (\$2,200 to \$22,000) for violations of these provisions. The Labor Inspectorate lacked office space, funds, and adequately trained staff. The Labor Inspectorate did not have any child labor inspectors and investigated compliance with the child labor law only as part of a general labor inspection regime. The government did not collect data specifically on child labor. Apart from forced begging, inspectors found 25 children aged 15-18 working in the informal economy without proper employment contracts, mainly during the summer. The labor inspectors did not report any violation of child labor laws.

In villages children usually worked in family businesses and agriculture. Romani children worked chiefly during the summer, typically washing car windows, chopping firewood, loading trucks, collecting items such as scrap metal, selling old newspapers and car accessories, or working alongside their parents as day laborers. Many internally displaced Romani children who lacked either birth or citizenship documentation were forced to engage in begging or manual labor. Police asserted that begging was a family practice, rather than an organized, large-scale activity.

Begging was readily observable, particularly in Podgorica and the coastal areas during the summer. Police claimed that most children engaged in begging came from Kosovo and Serbia. Police seldom pressed charges against the adult perpetrators. They placed victims of forced child labor who did not have guardians in the children's correctional facility in Ljubovic. After leaving the facility, most children returned to forced begging. Romani NGOs tried to raise awareness of the problem and suggested that the government did not provide sufficient resources to rehabilitate children begging and living on the street.

Children were subjected to commercial sexual exploitation (see section 6, Children). Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, sex, gender, disability, language, sexual orientation, religion, age, pregnancy, health conditions, nationality, marital status, social status, political or other affiliation, and membership in political and trade union organizations. The government generally did not enforce these laws and regulations effectively, and there were instances of discrimination on these bases.

Persons with disabilities faced significant discrimination in employment despite the existence of positive discrimination programs that provided significant financial enticements to employers to hire persons with disabilities. According to the state employment agency, only 2 percent of persons with disabilities were employed. Advocates noted that training programs for persons with disabilities were too few to contribute significantly to their economic integration. Neither governmental entities nor private employers hired many persons with disabilities. During the year, public entities and private sector companies employed 121 persons with disabilities while more than 2,000 remained unemployed.

Authorities required employers who failed to meet established hiring quotas to contribute to the Fund for Professional Rehabilitation and Employment of Persons with Disabilities. The State Employment Agency organized the fund and appropriated three million euros (\$3.3 million) for it. Employers often preferred to pay the contribution rather than meet the quota. There were reports of malfeasance in connection with the fund and a significant portion of the resources allocated to it was returned to the general government budget at the end of the year.

Women were at times subject to discrimination based on their marital status, pregnancy, and physical appearance. Employers did not respect all of their legal obligations toward pregnant women, and sometimes reduced their responsibilities or fired them after they returned from maternity leave. A disproportionate share of women held jobs with lower levels of responsibility than men. Employers promoted women less frequently than men. Some job announcements for women explicitly included discriminatory employment criteria, such as age and physical appearance. The law continued to prohibit women from serving in certain occupations. During the year women accounted for less than 9 percent of personnel in the army and police force. An increasing number of women served as judges, and there were many women in professional fields such as law, science, and medicine.

Romani, displaced persons, refugees and migrant workers faced employment discrimination. There were instances of discrimination against unregistered domestic and foreign workers (see section 7.a.).

e. Acceptable Conditions of Work

According to the National Statistics Office, the average net salary in August was 477 euros (\$525); the monthly food basket of basic items cost 805 euros (\$886). The national monthly minimum wage was 193 euros (\$212). The government set the absolute poverty line at 186 euros (\$205) per month. The government's statistics office estimated that 8.6 percent of the population, or 54,000 individuals, lived below the poverty line in 2014, compared with 11.3 percent in 2012. Nearly 18 percent of citizens in the north lived below the poverty line, compared with 6.3 percent in the central and 6.4 percent in the southern parts of the country. Significant portions of the workforce, particularly in rural areas and in the informal sector, earned less than the minimum wage.

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

The Labor Inspectorate is responsible for enforcing wage, hour, and occupational health and safety laws but did not do so effectively in either the formal or the informal sectors. Of 33 inspectors who performed labor-related and employment inspections, only nine conducted workplace safety inspections. Resources, remediation efforts, and investigations were not adequate to identify, enforce, or prevent violations in either the formal or the informal economies. Penalties for violation of wage and hour rules consisted of minor fines and were insufficient to deter violations. Penalties for violations of occupational health and safety standards ranged from a fine to a one-year prison sentence and were generally a sufficient deterrent in the formal sector. Labor inspectors have the legal authority to close an establishment until it corrects violations or to fine owners who commit repeated violations.

The government did not effectively enforce the law. A 2013 survey conducted by the NGO Rule of Law suggested that labor inspectors selectively inspected small and middle sized companies that were solvent and able to pay fines. Other critics noted that the Labor Inspectorate neglected to investigate or inspect large companies or politically affiliated organizations.

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

Labor inspectors noted that employers preferred to provide employment through staffing agencies and thus avoid the legal obligation to provide permanent employment after two years.

Approximately 200,000 persons worked in the formal sector and an estimated 35,000, mostly young persons, were employed in the informal economy. High unemployment rates coupled with the fear of losing one's job, a backlogged court system, and the lack of effective legal protection, continued to serve as a disincentive to filing complaints. There were reports that employers blackmailed or threatened the workers who were seeking better work conditions or better pay.

Both employers and workers violated health and safety rules, particularly in the construction, electric power, wood processing, and welding industries. During the

first nine months of the year there were seven work-related deaths and 18 serious injuries. Employment in the construction, energy, wood processing, transportation, and heavy industries presented the highest risk of injury. The most frequent reasons cited for unsafe working conditions were the lenient fines for violation of safety rules, failure to use safety equipment, lack of work-related information and training, inadequate medical care for workers, and old and/or inadequately maintained equipment.