

MONTENEGRO 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic with a multiparty political system. Both the president and the unicameral parliament (the Assembly) are popularly elected. The president nominates, and parliament approves, the prime minister. On April 7, the country held presidential elections, which the Organization for Security and Cooperation in Europe (OSCE), through a limited observer mission, described as professionally and efficiently administered. The OSCE mission's final report noted, however, a blurring of the lines between state and party. With relatively close results and both candidates declaring victory on election night, the decision by the State Election Commission to delay the release of preliminary results caused public uncertainty and raised doubts among citizens about the integrity of the process. Authorities maintained effective control over the security forces in most cases. Security forces committed some human rights abuses during the year.

Pervasive corruption – marked by nepotism, political favoritism, and weak controls over conflicts of interest in all branches of the government – represented the country's most serious human rights problem. A second major problem was societal discrimination and violence against minorities, including the lesbian, gay, bisexual, and transgender (LGBT) community, and the Romani, Ashkali, and Egyptian ethnic minorities, which had the effect of stigmatizing these populations. A third major problem was the chilling effect on freedom of expression created by the continuing harassment of journalists and the failure to resolve several past cases of violence and threats against journalists and government critics.

Other human rights problems included police mistreatment of persons in their custody; overcrowded and dilapidated prisons and pretrial detention conditions that at times threatened health; instances of lengthy pretrial detention; warrantless government surveillance that violated citizens' privacy rights; limits on the freedom of assembly; the unresolved legal status of thousands of refugees from the Balkan conflicts of the 1990s; tensions between religious groups over property issues and status; several instances of vandalism of religious symbols and property; denial of residency permits and visas to some clergy of the Serbian Orthodox Church; denial of public access to government information; child marriage among Roma; discrimination against persons with disabilities; and trafficking in persons. There were also reports of employer infringement upon workers' rights and of child labor.

The government took some steps to prosecute and punish relatively junior officials accused of corruption, whether in the security services or elsewhere. Many observers nonetheless accused senior government officials of engaging in corruption and acting with impunity. There were no prosecutions of senior politicians or government officials during the year.

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. The Department of Internal Control within the National Police has responsibility for reviewing killings by police officers and determining whether they were justified (see section 1.c.).

On November 22, the High Court in Bijelo Polje sentenced four police officers from Berane to between two and three years in prison. The officers were accused of attempted murder in November 2007 after they shot at three suspects attempting to escape from police. The court acquitted three other police officers.

The trial continued at the Bijelo Polje High Court of two police officers charged with killing Miroslav Soskic in 2008 as he was fleeing from police, allegedly to avoid a drug search. Police claimed Soskic drowned, but an exhumation and an additional autopsy indicated that he might have died of physical injuries.

During the year authorities continued to pursue three cases involving allegations of war crimes against several individuals, primarily low- and mid-level police and military officers who participated in the Balkan wars of 1991-99. While some victims and members of their families received compensation, other settlements and payments were tied to the completion of the criminal proceedings during the year. The Court of Appeals upheld the Podgorica High Court decision to acquit nine former police officers accused of arresting and deporting 83 Bosnian refugees in 1992, many of whom were killed in the wartime Bosnian Serb entity. Separately, on retrial the Podgorica High Court convicted four former Yugoslav People's Army soldiers and reservists and sentenced them to a total of 12 years for war crimes committed in the Morinj prisoner of war camp in 1991 and 1992.

On December 30, the High Court in Bijelo Polje acquitted eight former Yugoslav army officers and soldiers of killing of 15 ethnic Albanians refugees from Kosovo in Kaludjerski Laz, near Rozaje, in April 1999.

b. Disappearance

There were no reports of politically motivated disappearances or abductions.

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

The constitution and law prohibit such practices, but police reportedly at times beat and harassed suspects, particularly during arrest and interrogation. Although the law prohibits police from using force to obtain evidence, there were several reports that police used such methods.

During the year prosecutors charged a number of officials with mistreating individuals in their custody. They included police officer Bozidar Jaukovic, whom a court sentenced on March 4 to four months in prison for exceeding his authority and inflicting bodily injuries in June 2012 on Slavko Perovic, a former political party leader. On March 12, Jaukovic was found dead in his apartment. Police ruled his death a suicide.

The nongovernmental organization (NGO) Civic Alliance stated that competent government institutions, primarily state prosecutors, failed to conduct timely and efficient investigations into alleged human rights violations committed by police officers. Nonetheless, there were reports and observations that authorities took steps to punish officers suspected of such behavior. In instances where measures were taken, such officers were fired, suspended, or fined.

According to a law on internal affairs adopted in July 2012, the interior minister is solely responsible for taking disciplinary action and punishing police officers. During the year the interior ministry fired six officers, suspended 134, fined 44, and admonished two. Those punished included seven police officers from Berane accused of shooting at Zoran Vasovic, Nedjeljko Pekovic, and Zlatibor Vrhovec, and three officers accused of beating detainee Aleksandar Pejanovic in 2009.

During the first nine months of the year, the Department for Internal Control of Police Operations (DICPO) received 41 complaints of police misconduct from citizens. DICPO accepted six of these for further investigation. During the same

period DICPO also investigated 34 previously reported cases of alleged police misconduct and found that 10 were justified.

Watchdog groups alleged that police continued the practices of filing countercharges against individuals who reported police abuse, exerting pressure on victims, and influencing other police officers to cover up their responsibility for committing violations. Observers widely believed that these practices contributed to the reluctance of citizens to report police mistreatment.

Prison and Detention Center Conditions

Prisons and facilities for holding pretrial detainees were generally dilapidated, with the pretrial detention center in Podgorica and some prison wards severely overcrowded. Critics reported that, while the pretrial detention center was being renovated, the smell of chemicals and dust from construction materials affected the detainees, who were usually held in pairs in closet-sized rooms. Visitors reported conditions that often threatened health, and guards reportedly mistreated inmates. Improvements continued during the year, and a special report on prison conditions published by the Office of the Protector of Human Rights and Freedoms (Office of the Ombudsman) in March noted a significant decline in complaints of mistreatment.

Physical Conditions: Although the 1,068 persons held in the country's prison and pretrial detention centers in September were fewer than their maximum capacity of 1,100, the distribution of inmates resulted in overcrowding in some facilities. Of the 1,068 inmates, 720 were convicts, and 348 were detainees. Conditions for women were equivalent of those available to men. There were 12 women in prisons and 14 in pretrial detention. Two minors were in prison and one was in detention. Inmates had access to potable water and regular meals.

Media reported on inmates' complaints of mistreatment, inadequate prison conditions, inappropriate behavior of prison staff, overcrowding, lack of medical care, deprivation of visitation rights, limitations on care packages, and a lack of recreational activities. Prison officials dismissed these allegations as unfounded.

During the first nine months of the year, there were two general and several individual hunger strikes in the country's two prisons. Between February 11 and 22, approximately 600 prisoners went on hunger strike because of a delay in adopting a law on amnesty. On July 16 to 27, the issue of amnesty legislation motivated another hunger strike in which 290 prisoners participated.

The country's two prisons, in Podgorica and Bijelo Polje, did not have the capacity to offer employment to all inmates. Approximately 348 prisoners were able to work in prison programs. Only those inmates who worked were entitled to furloughs.

In the first nine months of the year, prison authorities disciplined 16 prison wardens for violating various work rules and protocols, compared with eight in 2012.

Although the law entitles prisoners to conjugal visits, the prison in Bijelo Polje lacked premises for the visits. Detainees are not entitled to conjugal visits.

In March the Office of the Ombudsman published a special report on prison and detention conditions that described significant overcrowding in most cells and isolation rooms in the pretrial detention unit, with two or more detainees often placed in undersized cells meant for solitary confinement. The report noted that no detention cells were adequate to accommodate persons with disabilities or special religious rituals for believers. The toilets were substandard. Some Muslim detainees complained that authorities did not provide them with food in accordance with their religion. The ombudsman also noted that police detention units in northern municipalities lacked adequate heating. Authorities claimed that prisoners had reasonable access to visitors, the right to religious observance, and adequate dietary provisions.

During the first 11 months of the year, there were no reported deaths in the country's prisons and detention centers. Five prisoners and two detainees injured themselves under unknown circumstances. The inadequacy of facilities for treating alcoholics and drug addicts led the administration of the Podgorica prison facility to place many such patients in the psychiatric hospital at Dobrota, which was poorly equipped to handle criminal patients. New regulations provide that all inmates must undergo drug tests.

Administration: In November the minister of justice signed a memorandum of understanding that allowed those convicted of petty crimes to opt for "socially useful" work in lieu of a prison sentence. A commission for conditional release headed by the minister of justice has authority to grant conditional release to prisoners who served two-thirds of their sentences and to monitor the convicts they released early. In 2012 the commission received 547 requests and approved 292 releases. No information on the state of prison recordkeeping was available. The

prison management maintained cooperation agreements with several NGOs and the Office of the Ombudsman.

Individual prisons did not have ombudsmen, but authorities permitted both visitors and detainees to submit complaints to judicial authorities and the Office of the Ombudsman, generally without censorship, and to request that authorities investigate credible allegations of inhumane conditions. In 2012 the Office of the Ombudsman received 46 such complaints, most of which related to the conduct of prison wardens and the administration. Complaint boxes installed in multiple areas of the prison enabled inmates to submit grievances.

As in the past, during the year several families of imprisoned or detained persons claimed that serious violations of inmates' rights occurred despite existing safeguards. Authorities often investigated credible allegations of inhuman conditions, but usually did so only in reaction to media campaigns or upon the ombudsman's recommendation. NGOs and human rights activists often criticized the results of those investigations.

Independent Monitoring: The government permitted visits to prisons by independent nongovernmental observers, including human rights groups and the media, as well as the International Committee of the Red Cross and the Council of Europe's Committee for the Prevention of Torture (CPT). Visits by domestic NGOs and the European Commission took place during the year. Some visits were undertaken on short notice, and monitors were allowed to speak with the prisoners without the presence of a guard.

Representatives of the Office of the Ombudsman routinely visited prisons without prior notice to meet with detainees and inmates.

Improvements: Authorities continued to make improvements in the prison system during the year. At the Podgorica prison, authorities renovated the bathrooms, the intake department, and 11 cells for short sentences. They also built a new detention unit with two cells for minors, constructed a special cell for persons with disabilities with access and walk paths, and repaired the water supply and electric infrastructure. There were reports, however, that the renovation caused chemicals and dust from the construction to permeate certain floors of the building and reportedly affect inmates' health. Overcrowding in the temporary detention prison in Podgorica significantly diminished. In the Bijelo Polje prison, authorities renovated the common area for prisoners. The Ministry of Justice, which monitors prison and detention conditions, added personnel. As part of an EU twinning

project, authorities organized training for prison management and prison guards. The ombudsman's report noted some improvements in the country's prison and detention system, particularly a significant reduction of claims of mistreatment. In preliminary observations based on its third visit to the country, which took place early in the year, the CPT stated that the country made progress since its 2008 report.

d. Arbitrary Arrest or Detention

The constitution and laws prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. Nevertheless police often relied on pretrial detention while investigating crimes and had to compensate a number of persons for unwarranted detention during the year.

Role of the Police and Security Apparatus

The country's approximately 5,000-member National Police, which includes the Border Police, is responsible for law and order and was generally effective in accomplishing that objective. A law adopted in July 2012 placed the police under the supervision of the Ministry of the Interior. The Agency for National Security (ANB), reportedly an independent entity within the government, is responsible for intelligence and counterintelligence. Many believed that the ANB often overstepped its mandate and advanced the political agenda of the largest party in the governing coalition, the Democratic Party of Socialists (DPS).

A 2012 law provides for the development of a military intelligence and counterintelligence unit within the Ministry of Defense. This unit became fully operational during the year, allowing the transfer of military intelligence responsibilities from the ANB to the Ministry of Defense.

Parliament is responsible for overseeing democratic and civilian control of the army, police, and security services. The NGO Institute Alternative stated that the parliamentary Committee for Defense and Security accomplished only 50 percent of the oversight activities envisioned in its annual action plan. According to Institute Alternativa, the biggest problem was the committee's delay in reviewing annual reports on the work of the police and the ANB.

Impunity remained a problem in the security forces, despite improvements in conducting internal investigations. Opposition parties asserted that oversight mechanisms, including the Council for Civilian Control of Police Operations,

continued to be ineffective. Prosecution of police for such abuses as mistreatment of persons in custody and using coercive methods to obtain evidence was rare. Penalties for those found culpable were lenient.

On May 31, representatives of the Ministry of the Interior, the Office of the Chief State Prosecutor, and Civic Alliance signed a memorandum of understanding regarding the monitoring of police detention units. According to the memorandum, authorities would allow Civic Alliance to visit detention units, examine documentation, and maintain communication with detainees.

Citizens continued to mistrust police, but civil society members noted that the appointment of a new minister of interior led to slight improvements in police accountability. Human rights observers claimed that citizens were reluctant to report police misconduct due to fear of reprisal. The prosecutor's office is responsible for investigating allegations of mistreatment. In most of the cases, courts did not challenge a police finding that use of force was reasonable. In cases where courts found that police use of force was unreasonable, sentences were usually lenient.

Personal and political associations often influenced the enforcement of laws. Low salaries contributed to continued corruption and unprofessional behavior by police officers. Some NGOs criticized the appointment of a new police director early in the year, calling the selection process insufficiently independent and transparent.

On August 23, Brajusko Brajuskovic, a former member of the Special Antiterrorist Unit, admitted to being a member of the "black triplets" group that beat and intimidated opponents of the government during the late 1990s and early 2000s. Brajuskovic accused the former police director (and current security advisor to the president), Veselin Veljovic, and the director of the Montenegrin Prison Facility, Miljan Perovic, of ordering these attacks. He also implicated the pair in attacks against journalists, including former *Dan* editor in chief, Dusko Jovanovic, who was shot and killed in 2004. Veljovic and Perovic denied the existence of such special teams. In September the state prosecutor announced that there was insufficient evidence to open a criminal investigation.

Local NGOs cited corruption, the lack of transparency, and the vulnerability of prosecutors and interior ministry officials to influence by the ruling political parties as major obstacles to fighting organized crime.

Arrest Procedures and Treatment of Detainees

Arrests require a judicial ruling or a “reasonable suspicion that the suspect committed an offense.” Police generally made arrests with warrants based on sufficient evidence. The law requires that police immediately inform arrested persons of their rights, and authorities generally respected this right. Authorities have a maximum of 24 hours to inform the family, common-law partner, or responsible social institution of an arrest, and they usually did so. Police may detain suspects for up to 48 hours before bringing them before a judge and charging them. At arraignment the judge makes an initial determination about the legality of the detention. Arraignment generally occurred within the prescribed period of time.

The law permits a detainee to have an attorney present during police and court proceedings, if necessary at the government’s expense. Detainees generally had prompt access to a lawyer. There is a system of bail. Authorities claimed that while its use increased, bail remained rare since few citizens could raise the money. Violations of prison and pretrial detention rules are punishable by 30 days’ solitary confinement for inmates and 15 days for detainees. During the first 11 months of the year, authorities placed inmates in solitary confinement in 215 cases and detainees in 151 cases. The law prohibits excessive delays in filing formal charges against suspects and in conducting investigations, but such delays still occurred. There were no reports authorities held detainees incommunicado.

If circumstances indicate that individuals facing criminal charges are a flight risk or may attempt to influence legal proceedings unduly, the court may limit their movement by prohibiting them from leaving their residence, visiting particular places or areas, or meeting with certain persons. Persons facing charges may also have a duty to report to authorities and can have their travel documents or driver’s licenses seized. Authorities may control the implementation of these measures by electronic surveillance.

Arbitrary Arrest: While arbitrary arrest was not a common problem, police continued to summon both witnesses and suspects to police stations for “informational talks,” usually without holding them for extended periods. Although summoned persons have the right decline such invitations, they seldom chose to do so.

On December 3, the Podgorica Misdemeanor Court fined five activists of the NGO Network for Affirmation of the NGO Sector (MANS) for violating the public peace and order on June 21 after they protested against a tax increase by spilling

red paint in front of the parliament building. Earlier, on July 5, the Department for Internal Control of Police Operations found that police had unlawfully arrested Vanja Calovic and members of MANS during that protest. One officer, Milan Radusinovic, was fined 30 percent of his monthly salary. MANS filed a lawsuit against the government for compensation due to illegal arrest and detention. The case was pending at year's end.

Pretrial Detention: Courts frequently ordered detention in criminal cases. The law sets the initial length of pretrial detention at 30 days but provides for the possibility of adding five more months. Although the law prohibits police to use force to receive evidence, there were several reports during the year that police used such methods. The law permits a defendant to be detained for a total of three years before a verdict is issued. The defendant has the right to appeal his detention. Several civil society groups stated that the average period of pretrial detention remained too long. Authorities claimed that pretrial detainees on average accounted for 32.5 percent of the prison population, with an average detention lasting two months and 20 days. Despite this extended pretrial detention, there was no evidence of significant instances in which a person was detained longer than the punishment for his alleged offense.

While the law provides the right to a trial within a reasonable time, it was not effective, and extensive backlogs in the justice system contributed to numerous instances of lengthy pretrial detention. From 2007 through November 2013, authorities received 268 requests to expedite the legal process. There was no clear system to monitor the length of trials. In many instances the government had to pay damages for violating the right to a trial within a reasonable time. Courts continued to reduce backlogs of civil and criminal cases – the backlog of unresolved cases decreased from 38,000 in 2011 to 10,474 in 2012. Concerns remained about the reliability of statistics as an indicator of qualitative progress. Higher courts overruled many trial courts' decisions and sent them back to lower courts for new trials, particularly when they involved war crimes, corruption, and organized crime. Police, the prosecutor's office, and courts used different recordkeeping methods, making it difficult to track cases for procedural purposes.

From January 2009 to December 2012, the Ministry of Justice received 687 claims for compensation for unfounded arrest or detention and accepted 274 of them. The ministry responded to the remaining 413 claims by recommending that the individuals pursue civil lawsuits.

Amnesty: During the previous five years, the president received requests for pardons from 1,049 convicts and approved 362 of them. NGOs criticized the president for granting too many pardons and refusing to publicize the names of the convicts whom he had pardoned.

On August 20, parliament adopted a law on amnesty that resulted in the release of 432 convicts. The law prohibits amnesty for persons serving time for aggravated murder, war crimes, rape, human and drug trafficking, and membership in and formation of criminal organizations. It also provided parole for individuals sentenced to prison terms of three months or less who had not yet begun to serve the sentence.

e. Denial of Fair Public Trial

The constitution and laws provide for an independent judiciary, but some NGOs, international organizations, and legal experts asserted that governmental and political pressure and corruption influenced prosecutors and judges. Inadequate funding continued to hamper court operations and effectiveness. Nevertheless, the government continued to make progress on judicial reform by strengthening the independence, responsibility, and capacity of judges and prosecutors; improving human and technical resources; and increasing the transparency of court rulings. The Judicial Training Center – an independent institution under the Ministry of Justice – and the international community organized training courses for judges and prosecutors.

Presenting her annual progress report on the judiciary to parliament, Supreme Court President Vesna Medenica indicated that in many instances, high-level politicians exerted pressure on the court's processes and decisions by publicly commenting on particular cases.

In July the government for the first time failed to obtain the majority in parliament necessary for approval (and publication) of the annual progress reports of the state prosecutor's office and the courts. The reported reason for the failure was inadequate data in the reports.

NGOs criticized the government's power to appoint and remove judges of misdemeanor courts. They asserted that such authority posed a conflict of interest when the government was one of the parties in a dispute.

The Judicial Council is responsible for the election, discipline, and removal of most judges. The NGO Human Rights Action contended that the Judicial Council failed to achieve its goal of improving mechanisms for assessing the work of judges. The NGO claimed that the Judicial Council's work was not transparent, the criteria for appointing judges were still not precisely defined, and its action plan raised doubts whether the method of selecting judicial candidates was objective.

During the year authorities temporarily removed one judge from office and admonished another. The government did not initiate any disciplinary procedures against prosecutors for poor performance of their duties.

The minister of justice stated on September 10 that authorities failed to implement more than 15,000 court orders, threatening the functioning of the judicial system.

Trial Procedures

Most criminal trials are public, but sessions may be closed during the testimony of government-protected witnesses. Juvenile trials are always closed to the public. Juries are not used, and professional judges preside over trials. There are no lay judges or jurors in criminal proceedings. Defendants have the right to be present at their trials and to consult an attorney in a timely manner in pretrial and trial proceedings. Authorities must provide an attorney at public expense when a defendant is a person with disabilities, in detention, destitute, or indicted on a charge carrying a possible sentence of more than 10 years. These rights were generally respected, but lack of public funds continued to jeopardize the provision of free legal aid. The Ministry of Justice stated that, since legal aid offices opened in January 2012, they had received 922 requests for free legal aid through December 2013 and approved 696 of them. The Civic Alliance monitored 507 trials during 2012 and reported that, in 31 percent of cases, lawyers responsible for providing free legal aid were not prepared for the hearing and that, in 43 percent of cases, the lawyers did not actively participate in the case. Public awareness of free legal aid opportunities was inadequate.

Civic Alliance continued to note that courts processed cases more efficiently than previously. Nevertheless, significant delays and frequent absences of expert witnesses persisted.

Defendants enjoy a legal presumption of innocence. Authorities immediately inform detained persons of the grounds for their detention. They are also informed

at the time of detention that they have the right to remain silent, to seek an attorney, and to inform a person of their choice of their detention. 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.

According to the amendments to the criminal code adopted on August 13, house arrest can be imposed in cases in which the prison sentence is six months or less.

Courts may try defendants in absentia but by law must repeat the trials if the convicted individuals are later apprehended. Both the defense and the prosecution have the right of appeal. Defendants' rights were generally respected, but NGOs reported several cases during the year in which authorities allegedly violated a defendant's right to a fair trial.

The NGO Center for Democracy and Human Rights (CEDEM) published a study on the confiscation of illegally obtained assets which highlighted the low capacity and efficiency of national institutions to process assets of criminal activity. According to the study, of 45 million euros (\$61 million) of confiscated assets in organized crime cases, the Public Property Authority properly managed only 0.2 percent.

CEDEM, with OSCE support, monitored 500 trials between September 2011 and December 2012. While its *Final Report on Monitoring Trials* concluded that the courts improved transparency of criminal proceedings, CEDEM also found violations of the presumption of innocence. The report suggested that, in some instances, judges publicly commented on the possible outcome of trials over which they presided, while the media sometimes prejudiced outcomes with sensationalized reporting.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters, and citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. Although parties have brought suits alleging human rights violations and at times prevailed, there was widespread public distrust in the

independence of the judiciary, mainly because of nepotism, corruption, and political influence. NGOs noted that most civil cases involving human rights violations and mistreatment usually proceeded slowly or were rejected, while investigations or indictments sometimes failed to include all persons accused.

Both administrative and judicial remedies exist for civil rights abuses, but neither provided citizens with easily accessible or efficient recourse. Citizens may address complaints of police abuse to a legally mandated agency, the Council for Civilian Control of Police Operations, but the council can only make recommendations for action to the chief of police or the interior minister. According to the council, in 2011 it reviewed 62 complaints of police abuse and found 22 to be justified. The others were rejected as unjustified on their merits or not given positive responses for other reasons. The police and Ministry of Justice had no information on actions, if any, that were taken in response to the “justified” complaints.

Individuals may appeal violations of their human rights to the Constitutional Court, but the court was widely criticized for being politicized, sluggish, and nontransparent. During the year NGOs and legal experts noted that filing grievances with the Constitutional Court was an ineffective method of human rights protection. It accepted few appeals. The Constitutional Court does not issue judgments but only examines the alleged human rights violations committed in the case or procedure. If the court finds a human rights violation, it revokes the decision and refers it to the appropriate authority or court to rectify the abuse. Judges from the Supreme Court criticized the Constitutional Court, alleging it exceeded its competence when it overruled decisions by the Supreme Court regarding human rights violations. In 2012 the Ministry of Justice rejected the Supreme Court’s initiative to strip the Constitutional Court of its right to review claims of human rights violations.

The government generally complied with domestic court decisions pertaining to human rights.

Regional Human Rights Court Decisions

Once national remedies are exhausted, alleged victims – regardless of citizenship – may appeal human rights violations by the government to the European Court of Human Rights (ECHR). In the first eight months of the year, the court examined 377 such cases and found human rights violations in 27 of them. Most cases related to various aspects of a fair trial, lengthy trials, nonexecution of court orders, and property rights cases involving disputes with the government. Approximately

849 cases involving the country were pending before the ECHR. There were no official mechanisms to monitor the implementation of ECHR decisions and no reports on the subject from other sources.

Property Restitution

The country's four major religious communities (Serbian Orthodox, Montenegrin Orthodox, Muslim, and Roman Catholic) continued to pursue numerous claims of restitution for property confiscated by communist-era Yugoslav authorities. In the absence of legislation specifically governing restitution of nationalized religious properties, there was no progress in this area.

Other restitution cases continued in a protracted manner. Between 2007 and December 2012, 11,319 claims were filed with restitution commissions, of which 40 percent were considered and mostly rejected. During the first nine months of the year, the government paid 1.95 million euros (\$2.63 million) in property restitution. The Finance Ministry stated that property restitution claims that restitution commissions had awarded, but authorities had not paid, amounted to 82 million euros (\$111 million).

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. The government generally respected these prohibitions relating to physical and property searches. There were several reports that police behaved violently during the search of private residences.

The media extensively covered Minister of Interior Rasko Konjevic's February order for an urgent internal inspection of the Special Investigations Unit within the Criminal Police Department, following reports that the unit had been illegally monitoring journalists, opposition figures, and NGOs for more than two years. Although investigators reported finding no irregularities, the minister of interior replaced the head of the Special Investigation Unit.

The law requires the ANB to obtain court authorization for wiretaps, but authorities reportedly engaged in wiretapping and surveillance of opposition parties, the international community, NGOs, and other groups without appropriate legal authority. Many individuals, organizations, and foreign missions operated on the assumption that they could be under surveillance. Institute Alternative claimed

that parliamentary oversight of secret surveillance cases by the ANB and of those performed by police during criminal procedures was inadequate and created the possibility for abuse. NGOs claimed that police and the state prosecutor's office illegally monitored citizens' electronic communications and failed to account for how many persons or internet addresses they monitored.

The Agency for Protection of Personal Data (APPD), a government organization, noted that the most common violation of privacy was excessive use of video surveillance in public places by public and private institutions and commercial establishments without the requisite authorization from the APPD. 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. The agency also saw another major problem in publication by the media of such personal information as a citizen's unique identification number or information about minors without authorization. In August and again in September, the national daily newspaper *Vijesti* published unauthorized pictures of patients in the emergency room in Berane after a tainted water supply caused illness among thousands of residents. During the year two professors at the Podgorica College of Science, Jovan Mirkovic and Nevenka Antovic, appealed a ruling basic court in December 2012 that university management had not breached their privacy rights by installing video surveillance cameras in lecture rooms and halls.

On February 25, the APPD noted that the special prosecutor for organized crime, Djurdjina Ivanovic, violated the law protecting personal data when she publicly released information about the medical condition of Milka Ljumovic, former director of CKB bank, during an embezzlement investigation in which Ljumovic was one of the subjects.

On July 28, the Podgorica Basic Court, ruling on a civil suit brought by MANS, declared that a 2007 agreement between police and the telecommunication company M:Tel violated privacy rights. The agreement gave police 24-hour access to information about the conversations, telephone calls, e-mails, SMS messages, and geographic location of the company's clients. On September 5, Minister of Interior Rasko Konjevic terminated the agreement.

During the first nine months of the year, two citizens requested permission to inspect secret files kept on them between 1945 and 1989 by the former state security service, the precursor to the ANB. The ANB granted both requests.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech: Individuals can criticize the government publicly or privately without reprisal, and there were no official reports that authorities monitored political meetings or otherwise attempted to prohibit or prevent criticism unlawfully. The law criminalizes the incitement of hatred and intolerance on national, racial, and religious grounds. There were no new prosecutions on these grounds during the year.

Press Freedoms: Although independent media were active and generally expressed a wide variety of political and social views, there were physical assaults and threats against journalists, and media were subject to political and economic pressure. The print media included private newspapers and a government-owned newspaper, *Pobjeda*, with a national circulation.

Some media outlets, such as *Dan*, *Vijesti*, and *Monitor*, demonstrated a willingness to criticize the government. The prominence of articles and television programs critical of authorities suggested that self-censorship was not a major problem. Some NGOs and media experts noted that journalists were often susceptible to employer or political pressure to adhere to government policy. Combined with a lack of training, unethical professional practices, and low pay, such pressures contributed at times to biased coverage.

A deep division between progovernment and opposition media prevented the establishment of a functional and unified self-regulation mechanism for journalists.

Following the 2012 establishment of a media council for self-regulation by 19 outlets and a separate organization by a group of small local media outlets from the northern region, the generally opposition-oriented Television *Vijesti* and the *Vijesti* daily newspaper established their own media ombudsmen during the year. They regarded the council as too closely tied to the government. With the decriminalization of libel, such bodies provided one of the few checks on unethical journalism.

Authorities remained unable to sell the government's 86 percent holding in the publisher of the national daily newspaper *Pobjeda*, as required by law. The government subsidized the newspaper's debt, which its private competitors claimed to be a distortion of free market principles.

Opposition politicians continued to criticize *Pobjeda's* reporting, claiming it favored the government and was used to discredit opponents of the government, including opposition politicians, some private media owners, and NGOs. Private media claimed that government-owned companies openly discriminated in favor of the government-owned newspaper *Pobjeda* in the placement of advertising, despite the newspaper's smaller circulation and more limited influence than its private competitors. On February 20, the NGO Center for Civic Education reported that during 2012 *Pobjeda* received 93,000 euros (\$130,000) from government institutions for advertising, compared with the combined total of 21,000 euros (\$28,000) received by the three other private newspapers, *Vijesti*, *Dan*, and *Dnevne Novine*. The NGO concluded that there were no clear criteria by which government institutions chose media to advertise their activities, since the current selection did not appear to correspond to independent measures such as public trust, popularity, or the media companies' pricing policies.

Government opponents continued to criticize the country's public radio and television broadcaster, Radio and Television of Montenegro (RTCG). They claimed that, despite some improvement, the ruling political structures still controlled the RTCG and that the public broadcaster favored the government in its programming and reporting.

Violence and Harassment: Representatives of the media, especially journalists from the independent newspaper *Vijesti*, continued to be targets of threats and physical reprisals. On August 11, an explosive device detonated in front of the Berane home of Tufik Softic, an investigative reporter for the newspapers *Vijesti* and *Monitor*. The bomb exploded while the journalist and his family were only a few yards away, but no one was injured. This was the second attack on Softic, following a 2007 incident in which he was brutally beaten in front of his home. Authorities have not apprehended the perpetrators of either attack. Many local and international organizations and individuals strongly condemned the most recent incident.

Vijesti reporter Mico Babovic and photojournalist Luka Zekovic submitted a criminal report to the prosecutor's office claiming that, on September 3, Vladimir "Beba" Popovic, head of the NGO Public Policy Institute, forcibly took a

camera and audiorecorder away from them, erased photos, and cursed at them when they photographed him in front of the NGO's premises. Popovic denied attacking the reporters and accused them of invading his privacy. The Vienna-based South East Media Organization, an affiliate of the International Press Institute, released a statement noting that Popovic, as a public personality, "must accept that his activities are interesting for journalists and photo reporters, and that a newspaper should have the right to take photos of him in a public place." Neither the prosecutor's office nor police brought charges against Popovic as of year's end.

Vijesti's property continued to be a target of attacks. On October 20, a group of violent protestors against the first LGBT pride parade in Podgorica threw stones at the daily's offices, and on November 8, three masked individuals threw rocks at the entrance of the daily's premises. By year's end authorities did not apprehend any of the perpetrators of either attack. On December 26, an unidentified perpetrator detonated a powerful explosive device in front of *Vijesti's* main building beneath its editorial office. The bomb damaged the building's façade but did not injure any of the approximately 15 staff inside.

Litigation related to a number of earlier attacks on *Vijesti* and its personnel continued during the year. During the trial of Milan Grgurovic for threatening *Vijesti* reporter Olivera Lakic in 2011, the court determined that Grgurovic had falsely confessed to the crime. On September 20, Podgorica's basic court sentenced Grgurovic to a year in prison for the false confession. Authorities then accused Milenko Rabrenovic, the bodyguard of a former police director, of the attack. His trial was underway at year's end. The 2011 threats against the reporter preceded a physical attack on her in March 2012. In 2012 Ivan Buskovic was sentenced to nine months in prison for carrying out the attack, while Slavko Music was sentenced to four months in prison for threatening Lakic. Both incidents followed articles by Lakic alleging that the Tara tobacco factory in Mojkovac produced cigarettes with fake branding.

On January 17, the Pljevlja Basic Court fined former police officer Slavko Roncevic 800 euros (\$1,100) for threatening *Vijesti* journalist Goran Malidzan at an election rally in Pljevlja in October 2012.

Vijesti's publisher, Daily Press, continued to appeal a July 2012 decision by Podgorica's basic court rejecting its lawsuit against the government for failing to prevent the 2011 attacks on the company's property. The EU Delegation to Montenegro noted in a November 11 press release that investigations into the

attacks on *Vijesti* have not resulted in any prosecutions or convictions and called on authorities to investigate them thoroughly and prosecute the perpetrators.

Libel Laws/National Security: Although criminal libel was abolished in 2011, media outlets continued to face libel charges in civil proceedings. On July 19, Podgorica's basic court fined *Vijesti* 5,000 euros (\$6,800) for damaging the reputation of Prime Minister Milo Djukanovic's sister, attorney Ana Kolarevic. The fine was the result of a November 2012 civil lawsuit Kolarevic filed against the independent newspapers *Vijesti*, *Dan*, and *Monitor* over articles alleging that she took bribes during the purchase of Montenegrin Telekom by Magyar Telekom. *Vijesti* has appealed. A Podgorica basic court rejected the charge against *Dan* on October 17 and *Monitor* on October 18.

Internet Freedom

There were no government restrictions on access to the internet, but NGOs alleged that police unlawfully collected data from citizens' mobile phone and internet usage. According to the most recent report by the government's statistical office in November, 56 percent of the country's households had access to the internet.

While it was unknown whether authorities used their access to monitor e-mail or internet websites or chat rooms, some NGOs made accusations that such incidents occurred. There was no evidence that the government collected or disclosed personally identifiable information about persons based on the persons' peaceful expression of political, religious, or ideological opinion or belief.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and laws provide for freedom of assembly and association, and the government generally respected these rights. A wide range of social, cultural, and political organizations functioned without interference, but authorities denied disgruntled workers and opposition supporters the right to assemble and express their grievances on several occasions.

Freedom of Assembly

In order to hold public gatherings of any kind, organizers must notify the Ministry of the Interior so that the venue can be made secure. According to an NGO, police rejected 59 applications for permission to assemble in 2012, most of them organized by disgruntled workers and opposition supporters. The police contended that the assemblies would disturb public peace and order and burden traffic. In some cases authorities offered the protesters other locations for their demonstrations. In a few cases when protests were held without authorization or when protestors failed to respect police orders to disperse, police detained protesters for questioning and charged them with a misdemeanor. In 2011 Civic Alliance applied to the Constitutional Court for an assessment of the law on assembly, claiming that certain provisions permitting the government to prohibit peaceful assemblies violated the constitution. The court did not respond to the request by year's end.

Peaceful protests against the presidential election results took place on April 20 in front of the presidential building. According to police estimates, approximately 5,000 persons gathered to express their dissatisfaction with the electoral results.

On September 2, police arrested several individuals from Beranselo, on the outskirts of Berane, who were protesting the construction of a waste dump at Vasove Vode, a few miles outside of Berane. Authorities charged 21 persons with misdemeanors for disturbing the public peace and order.

On September 27, 80-100 persons, mostly men and in their teens, gathered in downtown Podgorica to protest against an LGBT pride parade scheduled for October 20 in Podgorica and to celebrate the cancellation of the pride parade in Belgrade. Although police received notice of the gathering only hours before the event, they allowed them to gather despite the lack of formal permission. Police permitted LGBT groups to hold two parades during the year and provided protection for them.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

The constitution and laws 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, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Internally Displaced Persons (IDPs)

According to government statistics, the displaced population as of November 30 included 1,539 persons from Croatia and Bosnia and Herzegovina who fled between 1991 and 1995 and whom the government designated as “displaced persons” (DPs), and 7,342 persons from Kosovo who fled in 1999 and who were considered IDPs. In the view of the UNHCR, DPs and IDPs are not treated equally. The citizenship law recognizes DPs as lawful permanent residents, a designation that can lead to citizenship through residence or marriage to a citizen. The law omits from the description of persons meeting the required criteria for lawful residence IDPs, whose numbers included ethnic Montenegrins, Serbs, Roma, Ashkali, Balkan Egyptians, Muslims, Bosniaks, and Albanians.

The government made limited progress in resolving the legal status of thousands of DPs and IDPs. Difficulties in accessing the necessary documentation and paying fees required to procure documents to apply for permanent resident status continued to hinder their efforts to register. The deadline for submitting permanent residence applications expired at the end of 2012, and parliament did not extend it until June, creating a gap that slowed the process for a significant number of IDPs and DPs who did not apply earlier and left them in limbo. The extension reopened the application period until December 31, 2013. Authorities would consider those unable to submit applications to be unlawfully present in the country.

IDPs and DPs continued to face obstacles when trying to obtain legal status. Many lacked the funds necessary to obtain documents within the country or to travel to their country of birth to obtain them. Some were never registered in birth or citizenship registries. In September, after an eight-month gap, Croatia resumed a procedure whereby Croatian citizens with DP status could obtain passports from their diplomatic offices in Montenegro. During the year the embassy of Bosnia and Herzegovina issued passports to all qualifying Bosnian citizens who held DP status in Montenegro.

During the year the government and the UNHCR organized information sessions with DPs and IDPs in all municipalities to encourage them to apply for resident status and brief them on possible housing opportunities for residents. According to the UNHCR and NGOs that worked with DPs and IDPs, many DPs and IDPs did not believe that they would be able to integrate into Montenegrin society after acquiring legal temporary or permanent residence status.

By November 30, according to the Ministry of the Interior, approximately 10,068 persons, or approximately 61 percent of DPs and IDPs, applied. Of these, 7,641 were granted foreigner status, and 1,100 acquired Montenegrin citizenship. Only 16 percent of IDPs and DPs at the Konik refugee camp on the outskirts of Podgorica acquired permanent resident status.

As of the end of November, approximately 9,000 persons remained in the country with IDP or DP status. As of October 2012, the government was in the process of granting citizenship to approximately 1,650 refugees of Montenegrin origin from Albania who entered the country based on a 1991 treaty between Yugoslavia and Albania. According to UNHCR estimates, in May approximately 700 refugees from Albania were entitled to apply for citizenship, having spent more than one year in the country as permanently residing foreigners.

The status of DPs remained temporary and their rights were limited, increasing their economic and social vulnerability, since their status is not aligned with the standards set in the 1951 Convention Relating to the Status of Refugees. To ensure labor and social rights for DPs and IDPs, the government extended the validity of a decree on the employment rights of IDPs and DPs to June 2014. The extension provides rights to those who have yet to file for status as residing foreigners.

Harmonization of legislation in line with the Law on Foreigners continued. During the year parliament enacted laws to give displaced persons, foreigners, and asylum seekers rights to social welfare and to allow foreigners with permanent residence to work as teachers in the country's educational system.

A number of IDPs continued to live in substandard dwellings, struggled with rental payments for private accommodation, or feared eviction from illegally occupied facilities known as informal collective centers. 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 Camp Konik

in Podgorica, the government provided and installed 156 containerized housing units. During January and February, Roma protested delays in connecting the containers to the electrical grid. International donors continued to provide assistance to camp residents.

Together with Croatia, Serbia, and Bosnia and Herzegovina, the country is a party to the Regional Housing Program, facilitated by international donors, which is expected to provide durable and sustainable solutions for DPs and IDPs. The Assembly of Donors approved the construction of 62 apartments in Niksic. The government also submitted two “second wave” projects that were conditionally approved: the construction of 120 subsidized apartments for residents of Camp Konik 1 and the construction of a nursing home in Pljevlja, housing 68 persons.

Restricted access to employment pushed many DPs into gray market activities. Roma, Ashkali, and Egyptians from Kosovo, and the aging Kosovo Serb population in Berane were particularly affected and continued to form the most marginalized and vulnerable segment of the DP/refugee population. According to the government’s Bureau for Refugee Care, 526 DPs were registered as unemployed with the state employment agency during 2012, 90 of them unskilled Roma and Ashkali. Approximately 2,000 persons with DP or IDP status remained in barely habitable privatized facilities.

Documentation requirements for acquiring permanent status were particularly difficult for Roma, Ashkali, and Egyptians, whether they were born in the country or elsewhere. Many had no birth records, which were necessary to apply for temporary residence, either because their families never registered their births or because conflicts in the region resulted in destruction of their records. The government has yet to adopt legislative amendments that would define procedures for registering Romani, Ashkali, and Egyptian children whose parents did not initially register them at birth.

During the year, with the assistance of Roma regional project of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), authorities organized two bus trips to Kosovo and Serbia to facilitate the acquisition of documents for vulnerable persons, including those who lost their passports in a fire that occurred in Camp Konik in 2012. Sixty-eight individuals participated. Kosovo’s Ministry of the Interior stated that it would look into the possibility of sending a technical mobile team to Montenegro to facilitate the issuance of Kosovo identity documents to refugees residing there.

Although the law gives “permanent foreign residents” the same rights as citizens with the exception of the right to vote, they were not able to own real estate, and their access to employment and education was limited due to the difficulty of obtaining documentation. “Temporary foreign resident” status, available to those unable to obtain the necessary identity documents for permanent foreign resident status, did not convey access to employment or health care.

The government continued to encourage DPs to return to their places of origin, but repatriation slowed to a trickle due to the preference of many DPs to remain, fear of reprisals in their country of origin, and lack of resources. Between January and June, 103 Romani families expressed the desire to return to their places of origin, of which 46 were approved.

Protection of Refugees

Access to Asylum: The country’s laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees that was generally free of discrimination. A path to citizenship was available only to refugees holding displaced person status.

Asylum applications have greatly increased, rising from nine in 2010 to 3,262 in the first 11 months of the year. The applications appeared to be largely pro forma, providing many of the refugees with the opportunity to arrange travel farther north in Europe. The asylum office stated that most refugees left the country for Central and Western Europe before it could review their status. During the first eight months of the year, authorities approved one asylum application, the same number as in 2012. Authorities housed the asylum seekers in several private apartment buildings throughout Podgorica that had inadequate monitoring or oversight. On December 3, the Ministry of the Interior opened the first Reception Center for Migrants, which the ministry and the EU cofunded with support from the International Organization for Migration. The center could accommodate 46 individuals and was an important step in helping settle migrants in the country. Asylum seekers with pending claims, regardless of national origin, could remain in the country until the Ministry of the Interior adjudicated their claims. The government’s capacity to handle the growing number of asylum seekers remained problematic. Prior to July most asylum seekers were single men in their 20s or 30s. Subsequently an increasing number of female asylum seekers, families with minor children, single mothers, and pregnant women began to arrive. Additionally, a shift occurred in the country of origin of the asylum seekers, with Pakistan replacing northern and eastern Africa as the most common region of

origin. A reception center on the outskirts of Podgorica remained incomplete, and its opening was postponed numerous times.

Access to Basic Services: Conditions for refugees varied. Those with relatives or property in the country were able to find housing and in some cases to rejoin family members. According to a joint survey conducted in 2011 by the government, the OSCE, and the UNHCR, most of the vulnerable displaced persons lived in family settlements, while others lived in settlements with substandard housing designed as temporary accommodation.

Only one interpreter (for Arabic and French, funded by the UNHCR) was available to the Ministry of the Interior's Asylum Office, while other government institutions did not have interpreters to communicate with asylum seekers who lacked knowledge of local languages.

Temporary Protection: Since the Law on Asylum entered into force in 2007, authorities granted asylum to two asylum seekers and provided five individuals with subsidiary protection.

Stateless Persons

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

In October 2011 authorities published census data related to citizenship that identified 4,312 persons who claimed to be without any citizenship. This figure included 841 persons who came to the country during the Balkan wars (presumably refugees) but also 3,471 persons originally from the country. Of the 4,312 persons, 38 percent declared themselves to be Roma or Egyptians, while others identified themselves as Serbs (23 percent), Montenegrins (20 percent), or Albanians (3 percent).

During the year the UNHCR held several meetings with the Ministry of the Interior, the Statistical Office of Montenegro (MONSTAT), the Office of the Ombudsman, and the Agency for Personal Data Protection to create a mechanism to identify persons declared to be stateless in the 2011 census, verify their

citizenship status, and provide them with legal aid. MONSTAT claimed that any such activity would represent a violation of data protection, however, and the UNHCR noted a lack of will among other stakeholders to deal with the problem. As a result the government did not create a procedure for systematically identifying, documenting, and registering stateless persons or persons at risk of statelessness.

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

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

Elections and Political Participation

Recent Elections: Nationwide presidential elections were held on April 7. The results were close, and both candidates declared victory on election night. The State Election Commission decision not to release preliminary results to the public immediately caused public uncertainty and raised doubts about the integrity of the process among many citizens. The defeated presidential candidate, Miodrag Lekic, claimed that electoral malfeasance denied him victory and did not accept the election results. He appealed to the Constitutional Court, which rejected his appeal and upheld all State Election Commission decisions.

The limited OSCE/ODHIR observation mission assessed that the presidential candidates were able to campaign freely and that the campaign authorities administered the process professionally. It noted, however, a need to address the misuse of government resources and the blurring of the line between state and party.

In February the daily newspaper *Dan* published extensive audio transcripts in which high-ranking officials of the largest party in the ruling coalition, the DPS, were recorded prior to October 2012 parliamentary elections discussing plans to use government funds to hire young party followers. Parliament established a special inquiry committee to investigate the details of the alleged misappropriations of government funds and abuse of office. The parliamentary inquiry committee failed to agree on concrete conclusions and only adopted a technical report on the so-called “recordings” or “Snimak” affair.

Participation of Women and Minorities: Women remained underrepresented in leadership positions in the government. The president of the Supreme Court and the special prosecutor for organized crime were women. Following the October 2012 elections, there were 14 women in parliament (17.2 percent) and three in the cabinet. Three of parliament's 14 standing committees included no women. One of the country's 21 municipalities had a female mayor. A woman led one of the 10 parties represented in parliament. The law requires that at least 30 percent of the parliamentary candidates on each party list be women, and female candidates constituted 31 percent of the total in the October 2012 elections. The regulations do not provide that the representation of women on parties' candidate lists be such as to achieve a similar percentage among candidates elected.

Almost one-third (30.7 percent) of members of parliament were from minority groups. The 16-member cabinet contained three members of minority groups. All minority groups except Roma, Ashkali, and Egyptians were represented in parliament, a consequence of 2011 amendments to the law that established a right of representation for any ethnic minority group that won less than 3 percent of the vote or constituted less than 15 percent of the population (the reforms at the same time removed seats previously reserved for ethnic Albanians). Romani leaders contended that the minimum population requirements for representation of a political party in parliament, 0.70 percent, were too high to permit these communities, who in 2011 constituted 1.01 percent of the population, including a substantial number of noncitizens, to achieve representation.

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, as indicated in Transparency International's 2013 Perception of Public Corruption Index. There was evidence that some government officials engaged in corrupt practices with impunity. The public viewed corruption as endemic in government and elsewhere in the public sector.

Corruption: During the first six months of the year, citizens reported 96 cases of alleged corruption to the competent government bodies, most involving the public administration. During the same period courts convicted 49 of 100 persons indicted on corruption charges. During the year human rights observers alleged the government interfered in legal proceedings involving officials' misuse of office and government resources as well as use of their official positions to employ party followers.

The government declared its commitment to fighting official corruption but during the first 11 months did not initiate any cases against senior officials. Agencies tasked with fighting corruption acknowledged that cooperation and information sharing among them was inadequate.

NGOs and corruption watchdogs believed that public tenders, mainly used in the construction, trade, agriculture, and information technology sectors, were often rigged to give advantage to companies with political influence, and were one of the major sources of corruption. In 2012 government agencies signed 147 procurement contracts without using public tenders. Institutional capacity for monitoring tenders was limited. A January 2012 law requires that any tender involving more than 500,000 euros (\$680,000) be reported to the Commission for Monitoring Public Procurement Procedures. In 2012 the commission examined 649 complaints, 49 of which involved tenders of more than 500,000 euros. The commission fully or partially cancelled 213 such tenders.

Institute Alternative claimed that authorities did not adequately implement a new law aimed at curbing political influence and nepotism in public administration. The NGO alleged that most government agencies failed to respect the legally mandated requirement to publish information about their employees on the internet.

There were numerous reports of persons obtaining employment based on party affiliation or family ties, and there were accusations that the Ministry of Labor and Social Welfare's social welfare centers would provide funds to citizens before elections (see section 3).

Although authorities took some steps to strengthen anticorruption laws and institutions, implementation lagged. Efforts to investigate, prosecute, and convict senior officials for corruption remained largely ineffective, although the government prosecuted and often convicted numerous low- and mid-level officials on corruption charges. The leading anticorruption NGO, MANS, researched 333 corruption cases between 2006 and 2012 and found that courts issued inconsistent verdicts for corruption-related crimes. Sentences were generally severe for low- and mid-level employees, while higher government employees and dignitaries received suspended sentences for more serious crimes, such as abuse of office. The State Auditor General did not take any legal action related to embezzlement since the office was created in 2005. Enforcement agencies did not effectively cooperate with civil society. MANS criticized the chief state prosecutor for

inefficiency, complicity in corruption, and failure to take appropriate anticorruption measures against top government officials. NGOs claimed officials did not act on many reports of corruption that NGOs brought to the government's attention.

On January 31, the Podgorica Misdemeanor Court fined the director of MANS, Vanja Calovic, 600 euros (\$810) for gluing a sticker on the Constitutional Court building stating, "The Constitutional Court of the first family" during a demonstration over tax increases.

Internal controls seldom resulted in efficient prosecution of corruption. The public sector remained politicized and overstaffed. Authorities were slow to introduce measures that they themselves identified as necessary.

Mechanisms for regulating the funding of political parties and electoral campaigns remained weak, and imposing penalties remained ineffective. Authorities applied very few sanctions to political parties for breaching financial rules.

Several mid-level law enforcement and customs officials faced corruption charges during the year. On March 19, police arrested three customs officers and three forwarding agents for bribery. On April 9, the high court in Bijelo Polje convicted and sentenced 11 customs officers, three law enforcement officials, and one sanitary inspector to a total of 11 years and eight months in prison for bribery and abuse of office.

The Court of Appeals overturned a 2012 conviction of the former mayor of Budva, Rajko Kuljaca, and other high-level officials in the Budva municipality for abuse of authority and violations of public procurement law. A retrial was underway as of early December.

There are criminal asset forfeiture laws, but they were poorly implemented and the evidentiary standards for seizing assets very high. The number of corruption cases in which assets were confiscated was very low.

Police corruption and inappropriate government influence on police behavior remained problems. The closely knit nature of Montenegrin society discouraged the reporting of corruption and made it easy for criminals, using family or social connections, to influence law enforcement officers.

Internal investigations by a variety of institutions significantly reduced but did not eliminate impunity. NGOs noted that, in spite of disciplinary actions by the Ministry of the Interior, many police officers found responsible for violating rules of service and senior officers implicated in former cases of torture remained on duty. The OSCE and resident diplomatic missions continued to provide training for police, security, and border and customs officers.

Whistleblower Protection: The law provides protection for whistleblowers in government agencies and private companies, but legal experts and watchdogs believed that whistleblowers remained vulnerable. For example, Milisav Dragojevic, an engineer, was suspended in July from the national railway company after publicly disclosing that train operators who were supposed to drive new trains had not received proper training.

The basic prosecutor in Rozaje opened an investigation into allegations by Muharem Fejzic of Rozaje that he received numerous death threats and that unknown perpetrators kidnapped him, took him to Kosovo, and severely beat him. Fejzic had spoken publicly about alleged cigarette smuggling rings between Montenegro and Kosovo and accused local tycoons and the national security agency of complicity.

Financial Disclosure: Government officials were subject to financial and asset disclosure laws, and most complied with the requirements in a timely fashion. A governmental body, the Commission for the Prevention of Conflicts of Interest (CPCI), has the power to investigate the truthfulness of officials' disclosures about their property and income, with the exception of bank accounts and the origin of property ownership. Any gift exceeding 50 euros (\$70) must be reported to the CPCI. Violations of the obligation to file and disclose are subject to administrative or misdemeanor sanctions. The CPCI lacked administrative and financial resources, which limited its activities to conduct oversight. On September 11, the CPCI signed an agreement of cooperation with the Ministry of the Interior, granting it access to the ministry's registries of cars and weapons. During the year the Ministry of the Interior introduced a requirement that certain police officials, such as senior officials and police inspectors, declare all of their financial assets.

During the year 154 of 3,664 officials missed the deadline to report their income accurately. In 2012, 647 officials violated the requirement to comply with financial disclosure regulations. In 2012 the CPCI initiated procedures to remove 22 officials and pressed misdemeanor charges against 295 for failing to comply with the regulations. The CPCI reported that courts issued citations to those who

failed to comply with financial disclosure regulations in 56.6 percent of cases and levied fines in 32 percent of the cases. It failed to publish the violators' names in contravention of the Law on Free Access to Information. Following an appeal filed by CPCI, the Administrative Court rescinded the decision by the Agency for Protection of Personal Data, which had ordered the CPCI to reduce the scope of information published about government officials.

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

Reports continued that some government officials used their offices to promote their private business interests. Members of parliament, ministers, and senior advisors are entitled to a full salary for one year after leaving office.

MANS asserted that the deletion of citizens' unique identification numbers from the registries kept by the Tax Administration and Directorate for Real Estate might have hindered efforts to monitor corrupt practices. The government claimed that it was protecting citizens' privacy by deleting their unique numbers from those registries, while MANS claimed that practice hampered the tracking of financial data and irregularities necessary to investigate corruption.

Public Access to Information: The law provides for public access to government records, but the government did not fully implement the law or always provide access to government information, particularly information about the privatization of publicly owned assets. In July 2012 parliament adopted a law requiring agencies to publish some government information proactively but also imposed restrictions related to confidentiality and personal data protection. Some ministries responded to information requests, while others at times publicly criticized the requests. The level of access did not differ for noncitizens or the foreign or domestic press.

Some NGOs reported that their requests for government-held information frequently went unanswered. According to MANS agencies when they responded often refused to give information that might reveal corruption or illegal activity, particularly involving the privatization process or earnings of the highest government officials. Authorities generally claimed that complying with the requests would compromise confidentiality and involve the release of personally identifiable information. Beginning in March persons whose applications were

denied could be appeal to the Agency for Protection of Personal Information, which generally upheld the initial decisions. The fines for government agencies that fail to comply with the Free Access to Information Law ranged from 500 to 2,000 euros (\$680 to \$2,700). From March to October the agency received 403 complaints and accepted 295 for review.

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 and were able to publish their findings on human rights cases. Government officials were usually cooperative and responsive to the views of international groups, but a few domestic NGOs assessed cooperation as only nominal. Human rights observers reported uneven levels of cooperation from various national and local government officials. On May 14, the NGO Center for Development of NGOs stated that the cooperation between the public sector and NGOs was not satisfactory.

As of October the government recognized 2,716 NGOs. According to the Center for the Development of NGOs, only one-third were active. NGOs participated in the activities of various government agencies, most often as members of working groups and councils dealing with such issues as negotiations for EU accession. There were complaints that the government allocated money to NGOs in a nontransparent and arbitrary way and engaged in favoritism. The Commission for Allocation of Funds from Games of Chance reported that a number of NGOs that received funds did not spend the money for its designated purpose or violated their financial reporting obligations. In the first 11 months of the year, the Ministry of Finance forced four NGOs to return approximately 10,000 euros (\$14,000) of government funds due to improper spending.

Government Human Rights Bodies: The Protector of Human Rights and Freedoms serves in the role of ombudsman. The Office of the Ombudsman is a national mechanism working to prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment, as well as discrimination. The ombudsman operated without government or party interference and enjoyed good cooperation with NGOs. Upon finding a violation of human rights by a government agency or institution, the ombudsman may propose remedial measures, including dismissal of the violator, and evaluate the implementation of his proposals. Failure to comply with the ombudsman's request for corrective action within a defined period is punishable by fines of 500 to 2,000 euros (\$680 to \$2,700).

The ombudsman may investigate alleged government human rights violations and inspect such institutions as prisons and pretrial detention centers without prior notification. The ombudsman may propose new laws, request that the Constitutional Court assess whether a law violates the constitution or international 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 may not act upon complaints about judicial proceedings that are in process except when the complaint involves delays, obvious procedural violations, or authorities' failure to carry out court decisions. The government and the courts generally implemented the ombudsman's recommendations, although often with delays.

The law permits the ombudsman to represent individual citizens who complain of discrimination but not those who allege torture or cruelty. Critics asserted that the law failed to define the ombudsman's responsibilities for protecting personal data and personal documents with sufficient precision. The Office of the Ombudsman published an annual report as well as reports on such specific subjects as torture and violations of children's and minorities rights. In 2012 the ombudsman reported receiving 617 complaints, the majority of which concerned the work of government agencies and public administration, courts, police, local governments, state prosecutor's offices, and business organizations.

During the year parliament's Standing Committee for Human Rights and Freedoms increased its activities, improved its cooperation with national and international organizations, and met several times. Many observers continued to perceive its contribution as insignificant, however.

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

The constitution and laws prohibit discrimination based on race, sexual orientation, gender, disability, language, and social status. The government did not fully enforce these prohibitions. Persons could bring complaints of discrimination to the Office of the Ombudsman, but that institution lacked the human, technical, and financial resources to address it adequately. Antidiscrimination campaigns and training for public servants continued, but government efforts to combat discrimination remained modest. In July 2012 the criminal code was amended to provide that, when a crime was motivated by hatred based on race, religion, national or ethnical affiliation, or sexual orientation, courts would consider such a

motivation an aggravating factor in determining punishment. In his annual report the ombudsman noted concern with the prevalence of complaints of discrimination against women, the elderly, the LGBT population, persons with disabilities, and ethnic minorities, particularly Roma.

The NGO Human Rights Action stated that respect for human rights of patients in special psychiatric institutions improved, but insufficient staffing and the practice of mixing prisoners and mental patients together at the Dobrota psychiatric hospital continued to be problems.

Women

Rape and Domestic Violence: 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. Sentences were generally lenient, the average being two years and eight months. There were no governmental institutions to assist victims of sexual violence, although some NGOs provided assistance. There was only one rape reported in the first 11 months of the year.

Deeply ingrained societal attitudes hampered the prosecution of rape cases. Victims were reluctant to report crimes due to the cultural stigma that would attach to themselves and their families. Judges frequently allowed the accused or others to cast aspersions on a victim's character during court proceedings. In 2011 authorities received three cases of rape and four cases of attempted rape. Spousal rape is also punishable through a civil action, but this was infrequent, since it required the victim to initiate the lawsuit and appear in court.

Violence against women, including domestic violence, was common. Victims were mainly women and children. Domestic violence is punishable by fine or imprisonment, depending on the gravity of the offense. Penalties range from a fine to 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. During the first 10 months of the year, police reported that 157 persons, 94 percent of them men, faced domestic violence charges in 156 separate cases.

NGOs that worked with abused women credibly reported that a significant number of incidents were unreported due to fear of reprisals by attackers, lack of measures to prevent reoccurrence, or social stigma. In some cases victims declined to press

charges, and in others perpetrators pressured persons who reported domestic violence to withdraw charges or recant previous testimony. NGOs, with international support, played a major role in addressing and responding to violence against women. NGOs considered the responsiveness of official agencies to be inadequate, but some, including the judiciary and police, appeared more responsive to complaints about domestic violence than in past years. There were no reports that police were reluctant to act in such cases or discouraged women from filing complaints.

A July 2012 survey conducted by the NGOs CEED Consulting and SOS Hotline Niksic, found that women tolerated violence because they feared rejection by their families or the broader community, were economically dependent on their partners, had low levels of self-confidence, or lacked trust in public institutions. Violence against women mostly occurred in marriage. The survey indicated that government institutions responsible for combating domestic violence failed to respond adequately to these problems, in part because personnel lacked adequate training about the nature of domestic violence or the legal procedures available to deal with it.

According to social centers, nearly three-quarters of female victims of violence were between the ages of 18 and 25.

Lengthy trials, economic dependency, and a lack of alternative places to live often obliged victims and perpetrators to continue to live together, resulting at times in additional assaults and greater hesitation of victims to report them. Local NGOs working to combat domestic violence relied to a large extent on international donor assistance. According to NGOs and the ombudsman, female victims of domestic violence often complained that government-run social welfare centers did not respond adequately to their appeals for help. NGOs asserted that other reasons women rarely reported domestic violence stemmed from the patriarchal and traditional nature of the society and, in some cases, because of previous unsuccessful attempts to receive protection and justice. Such attempts failed often due to the negative attitudes of police, prosecutors, judges, and social workers. Domestic violence convictions were rare, and the penalties were insufficient to serve as an effective deterrent.

Progress in protecting women and children against domestic violence was slow. NGOs expressed concern that authorities were insufficiently proactive in combating indifferent attitudes towards domestic violence among prosecutors and social workers.

The law provides victims the right 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. 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 sought to improve women's access to legal services and workshops.

Sexual Harassment: Sexual harassment is illegal but remained a problem, and society generally tolerated it. Public awareness remained low. Victims, both women and men, were hesitant to report harassment due to fear of reprisal. The NGO Center for Women's Rights stated that sexual harassment of women occurred often, but few women reported it.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely the number and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There was free access to contraceptives and to skilled attendance during childbirth, including essential obstetric and postpartum care. The government provided free childbirth services.

On May 28, parliament adopted a law on social and child protection that limited social allowances and payments to women during maternity leave, which can last up to 12 months. Several human rights and family-focused NGOs criticized this measure.

Discrimination: The constitution provides for gender equality. Women have the same legal status and rights as men under family law, labor law, property law, and access to the judicial system. Women often did not have equal economic or social status with men and often occupied more menial or low-paying jobs. In inheritance law all property acquired during marriage is joint property, and women have the same legal status as men. There were instances of women ceding their property and inheritance rights to men, but this practice continued to decline. The NGO SOS noted that it was difficult for women to defend their property rights in

divorce proceedings. According to a survey conducted by the NGO, 58 percent of divorced women initiated proceedings for the division of marital property, but only 3 percent of them were successful, and proceedings lasted six years on average. One emerging trend involved husbands in divorce proceedings giving property titles to family members other than their wives or to friends.

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. For example, while the national literacy rate was more than 98 percent, 84 percent of illiterate persons were women. Women in rural areas encountered attitudes and stereotypes that perpetuated the subordinate position of women in the family and society.

Widespread, albeit mostly tacit, discriminatory cultural norms prevented women from equal participation in all areas of social development and generally discouraged them from seeking work outside the home. Employers at times violated women's legal 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 for advancement. Harassment at work was often unreported due to the victim's fear of being fired and a lack of information on legal remedies. Implementation of the law prohibiting harassment at work was poor. During the first nine months of the year, authorities received only three cases of workplace harassment.

While the law provides for maternity leave, there were reports that private companies did not always meet their legal obligations. NGOs reported that women of childbearing age regularly experienced hiring discrimination because employers feared they would take maternity leave in the future.

Although the law incorporates the principle of nondiscrimination against women, it does not explicitly address the principle of equal pay for equal work. According to a November survey conducted by the International Labor Organization and the Association of Employers, women received an average of 14 percent less than men for the same job. The government's Department for Gender Equality worked to inform women of their rights. A distinction between "male" and "female" professions is, however, entrenched.

Some job announcements openly specified discriminatory employment criteria for women, such as age and physical appearance. During the year women accounted for 19 percent of the police force and 33 percent of the personnel at the Ministry of

Defense and the ANB. An increasing number of women served as judges, and there were many women in such professional fields as law, science, and medicine.

Traditional values, societal prejudice, and a tendency to leave school prematurely limited educational opportunities for women from the Romani, Ashkali, and Egyptian communities. 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 took some steps to encourage female entrepreneurship, empower women from rural areas, train judges and prosecutors on gender equality, and strengthen participation of women in politics as a part of a campaign to prevent discrimination against women.

Children

Birth Registration: Children derive citizenship from their parents, under some circumstances by birth in the country's territory, through naturalization, or as otherwise specified by international treaties governing the acquisition of citizenship. Romani, Ashkali, and Egyptian parents registered the births of their children at lower rates than other groups, mostly due to the lack of awareness of the importance of civil registration and a lack of identity documents. Consequently, approximately 1,000 children in these communities continued to lack birth or registration documentation. Registration requirements made it difficult for many Romani and Egyptian parents to access such government services for children as healthcare, social allowances, and education. During the year the UNHCR continued to work with authorities to address the problem.

Education: Education is free through secondary school, and primary education is compulsory but not universal. Students were required to pay for their books and supplies. According to the 2011 census, 95 percent of children of school age attended school, but the numbers were much lower for Romani children (51 percent) and Egyptian children (54 percent). During the year, 1,853 Romani students attended primary school, but only 75 students from the Romani and Egyptian communities attended secondary school. Thirteen students from these communities attended university. Obstacles to education included poverty, lack of fluency in Montenegrin, lack of identity documents, and community pressure to

beg from a young age. 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. There were no textbooks in the Romani language. The government provided free textbooks for Romani and Egyptian students in the first three grades of primary school and financial support for all secondary school and university students.

Child Abuse: During the first six months of the year, the country's social centers received 29 reports of violence against children. There was a lack of proper facilities for children who suffered from family violence. In September 2012 the NGO Children Above All stated that only 20 children called their EU-sponsored "confidential telephone line" designed for children, adolescents, and their parents to report domestic abuses or mistreatment. Many children, particularly high school students, were exposed to alcohol, drugs, and violence. The ombudsman noted that social welfare centers failed to provide adequate child protection in a number of cases. There were no marital or family counseling centers. Juvenile victims of domestic violence were sometimes accommodated in the children's correctional facility in Ljubovic or the orphanage in Bijela.

Police received reports of minors committing 207 criminal offenses in 2012, 13 percent fewer than 2011. Authorities charged 150 minors with offenses during the first 11 months of the year. Some media coverage of crime stories violated the privacy of children by reporting details about them, including personal information. Publication of such information is illegal under Montenegrin law unless there is a legitimate public interest. Authorities did not prosecute or fine any of the offending media outlets for these offenses.

Parents and relatives forced many Romani, Ashkali, and Egyptian children to work at an early age to contribute to family income. Begging took place at busy intersections, on street corners, door to door, and in restaurants and cafes. Many of the children were from nearby countries. The NGO Institute for Social Inclusion conducted a study from October 2011 to April 2012 and found 148 Romani and Egyptian children begging in 12 towns across the country. The NGO stated that government institutions failed to respond to the problem effectively.

Police reported apprehending 14 children for begging on the streets in 2012. Most of them were Roma, and most were between the ages of two and 14. Older children discovered begging were taken to Ljubovic Correctional Facility. During

2012 and the first seven months of the year, police pressed criminal charges against 19 persons for forcing children to beg.

There were some prosecutions for child abuse. On April 30, the Bijelo Polje High Court in upheld the conviction of a 37-year-old person from Niksic identified only as "O.J." to four months in prison for showing pornographic material to children between the ages of six and 10.

According to a 2012 child poverty study by the United Nations Children's Fund (UNICEF), every 10th child in the country was poor, and nearly three of four poor children lived in remote rural areas without basic infrastructure.

Forced and Early 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. Child marriage was a problem, particularly in Romani and Egyptian communities, where boys and girls generally married at approximately age 14. Authorities considered such marriages illegal and did not officially recognize them. Pursuant to the July amendments to the criminal code, the punishment for arranging marriages using coercion, threat, or financial inducements is six months to five years in prison. Romani NGOs claimed that families paid dowries of 4,000 to 15,000 euros (\$5,400 to \$20,000) for child brides. NGOs reported that some girls were trafficked to foreigners for marriage. The custom of buying or selling virgin brides still exists in the Romani, Ashkali, and Egyptian population, where some Romani grooms pay between 1,000 to 10,000 euros (\$1,400 to \$14,000) for child brides.

Sexual Exploitation of Children: There is a statutory rape law. The age of consent is 18. 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. A person found guilty of inducing another into prostitution may be fined or given a prison sentence of up to one year. If the victim is a minor, a convicted offender faces a prison term of one to 10 years.

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

In June 2012 the deputy ombudsman stated that between 2008 and 2011 authorities dealt with 68 cases of reported sexual harassment of children between the ages of 14 and 16 and filed criminal charges in 54 cases. Most of the cases related to sexual intercourse with minors, common-law marriages, and dowry marriages.

Institutionalized Children: Inadequate treatment of children with mental disabilities at the Komanski Most Institution for Persons with Mental Disabilities remained problematic, but the institution made improvements in its facility (see section 6, Persons with Disabilities). Observers criticized authorities for inadequate efforts to deinstitutionalize children with mental disabilities. With support from UNICEF and the EU, the government focused on developing a foster care system for children instead of sending them to public institutions.

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 http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

There were no reports of anti-Semitic acts against the country's Jewish community, which numbered approximately 350 individuals.

Trafficking in Persons

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

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in access to employment, education, health care, pensions, allowances, family care and support, buildings, information, air travel, and road and railway transportation. The constitution gives persons with mental disabilities the right to be placed in adequate residential institutions and the right to foster care and other government services. Societal discrimination against persons with disabilities effectively limited their access to these benefits, however, and authorities did not actively prosecute such discrimination. While authorities generally enforced the requirement that new public buildings include access for persons with disabilities, a continuing lack of access to older public buildings, hospitals, and public transportation was a problem. The government failed to implement a legal requirement to make all public facilities accessible to persons with disabilities by October.

Authorities installed polling booths to accommodate persons with disabilities at approximately one-tenth of polling stations in the country--120 in all--for the April 7 presidential elections.

Persons with disabilities remained among the most vulnerable members of the population. According to the 2011 census, 11 percent of the population had difficulty performing everyday activities due to illness, age, and disability. The Ministries of Health, Labor and Social Welfare, Education, Finance, Justice, Human and Minority Rights, Sustainable Development, and Tourism, as well as the Secretariat for Legislation, the State Employment Agency, and five NGOs provided assistance and protection in their respective spheres to persons with disabilities. In a June letter to the prime minister, NGOs criticized the government for placing the Council for Care of Persons with Disabilities under the auspices of the Ministry of Labor and Social Welfare, alleging that it would significantly limit the role and importance of the council and its efforts to deal with the problems of persons with disabilities. NGOs contended that the government was significantly behind in implementing its action plan to integrate persons with disabilities.

On May 28, parliament passed a law on social and child protection that severely cut benefits for persons with disabilities. The government held that the new law would help reduce fraudulent claims, but organizations that worked with persons with disabilities contended that it would eliminate subsidies for most persons with disabilities.

Discrimination against persons with disabilities persisted. The government did not consistently implement regulations providing protection, encouraging employment, and securing housing for persons with disabilities. Although they are entitled to health care within the general health care system, it was often not delivered in a satisfactory manner. Disability allowances did not cover the cost of living.

There are no legal restrictions on participation of persons with disabilities in civic affairs, but the lack of adequate infrastructure prevented them in many cases from doing so. In its 2012 annual report the Office of the Ombudsman stated that courts received reports of 12 cases of discrimination against persons with disabilities. According to the ombudsman, such a low number of cases was a consequence of the low public awareness of human rights and protection mechanisms.

Education for children with mental and physical disabilities remained inadequate. There were no precise statistics on the number of children with disabilities in the country. A common belief prevailed that children with disabilities were ill and

needed to be separated from other children and institutionalized. Children with disabilities attended primary and, to a lesser degree, secondary schools. There were three schools specially designed for children with disabilities (two in Podgorica and one in Kotor). The number of children with disabilities who attend regular schools has risen during the previous four years. As of October 1, 075 children with lesser physical and mental disabilities attended school together with other children countrywide. The government started a project on inclusive education and trained 120 teachers. Many schools had neither proper access nor adequate infrastructure for students with physical disabilities. Those students who went to university generally were limited in which faculties they could enroll, since only two were accessible to students with disabilities. Many parents turned to the ombudsman because their children had problems integrating into schools. The ombudsman generally recommended that schools provide assistants to children with special needs. During the year the government funded training for 176 such assistants and assigned 171 assistants to the schools. The government continued to implement its plan to construct daycare centers for younger children with disabilities as an alternative form of care in all 21 municipalities. By year's end seven centers were in operation, with five additional centers nearing completion, according to the government.

Employment opportunities for persons with disabilities were limited. Advocates noted that the few available training programs for persons with disabilities did not contribute significantly to their economic integration. Governmental entities employed very few persons with disabilities. Thirty-one employers in the private sector provided employment to 42 persons with disabilities in 2012, while 1,967 remained unemployed. Authorities provided incentives to private employers to hire persons with disabilities, and those who failed to meet established hiring quotas were required to contribute to a Fund for Professional Rehabilitation and Employment of Persons with Disabilities. Employers often preferred to pay the contribution. The allegedly nontransparent use of the fund continued to be a source of controversy. Parliament's Committee for Human Rights claimed that during four years the fund dispensed only approximately 1.3 million euros (\$1.8 million) and returned 19.8 million euros (\$27.3 million) to the government budget at the end of the year. NGOs complained that the fund spent resources for unspecified purposes and in a nontransparent manner. NGOs requested that the fund be detached from the State Employment Agency and Ministry of Finance and made a separate legal entity.

According to the NGO Association of Young Persons with Disabilities, 50 persons with disabilities were studying in local universities during the year, compared with

three in 2001. The NGO continued a project for training guide dogs and provided three dogs to visually impaired individuals. NGOs welcomed the decision by the government and two private universities during the year to exempt persons with disabilities from paying tuition for the upcoming academic year.

Mental health care for persons with mental disabilities remained inadequate. Persons were often institutionalized as wards of the state and lived in isolation in outdated and underfunded facilities. Institutionalization perpetuated stigmatization. Monitoring conducted by a group of NGOs revealed that conditions improved at the Komanski Most institution for persons with mental disabilities and at the Center for Children and Youth (“Ljubovic”) correctional facility. NGOs noted that authorities continued to ignore some recommendations of the CPT and local NGOs. For example, authorities housed abused and mistreated children together with juvenile delinquents in the Center for Children and Youth correctional facility. Furthermore, the managers of the center did not remove either of two staff members accused of having intercourse with institutionalized adolescents. The Komanski Most institution lacked qualified staff and clear regulations governing admissions.

National/Racial/Ethnic Minorities

Roma, Ashkali, and Egyptians experienced societal discrimination and had limited access to social services. According to the 2011 census, almost 50 percent of school-age children from these communities were not integrated into the obligatory primary education system. Although comprehensive protection of national/ethnic minorities is enshrined in the constitution and law, their institutional, social, and residential isolation continued. Romani, Ashkali, and Egyptian children suffered discrimination by peers while attending school. For example, the Bozidar Vukovic primary school continued to maintain a remote facility in the Konik refugee camp in Podgorica that 192 Romani, Ashkali, and Egyptian students exclusively attended. The government provided transportation to 156 Romani children from the Konik camp to attend six schools in town. In February 2012 the European Commission against Racism and Intolerance advised that the continued separation of Romani children from children of other ethnic groups hindered their integration into society and contributed to a cycle of low educational achievement, extreme poverty, and social exclusion. In October the commission called for the closure of Konik camp.

In the 2010-11 academic year, the primary school dropout rate for students belonging to the Romani, Ashkali, and Egyptian minorities was approximately

50 percent. While Romani NGOs and community leaders believed the dropout rate remained approximately the same, there was some progress in enrolling students from these communities in secondary schools. The number rose from 63 students in 2012 to 75 during the year. Only 13 Romani students attended university during the year. According to a June study by UNICEF, the main obstacles to education for students belonging to these minorities were poverty, substandard housing, poor parental education, discrimination, and early marriage.

According to the 2011 census, Roma, Ashkali, and Egyptians constituted approximately 1 percent of the population. Many of them, including IDPs from Kosovo, lived illegally in squatter settlements that were often widely scattered and lacked services such as public utilities, medical care, and sewage disposal. The law relating to citizenship and its accompanying regulations made obtaining citizenship difficult for persons without personal identity documents.

Local authorities often ignored or tacitly condoned widespread societal prejudice against Roma, Ashkali, and Egyptians. Members of these minorities lacked political representation and generally stayed out of politics. They occasionally lacked the access to medical specialists that was available to other residents. According to the Ministry of Human and Minority Rights, the greatest disadvantages facing these minority groups were poverty, low levels of education, unemployment, ethnic stereotypes, and their nomadic lifestyle. In March 2012 the government introduced subsidies aimed at encouraging private entrepreneurs to hire Roma, Ashkali, and Egyptians. According to a June study carried out by CEDEM, 90 percent of the Romani, Ashkali, and Egyptian population were unemployed, 70 percent lived in very difficult conditions, while only 5 percent had full-time jobs.

Although authorities continued to implement an action plan to further the integration of Roma, Ashkali, and Egyptians, there was little improvement in their access to education, employment, or housing, and there was no significant improvement in resolving their legal status.

On the night of January 15, unknown persons threw stones at the house of Behija Ramovic, leader of the Romani NGO network Prva. Ramovic, who opposed forced and early marriages in the Romani and Egyptian communities, accused other Romani leaders of being behind the attack. The Ministry of Human and Minority Rights, political parties, and NGOs condemned the act.

Other groups also reported acts of discrimination. In September a court in Cetinje acquitted an ethnic Montenegrin restaurant owner, Milo Kadija, of charges of instigating national hatred stemming from a July 2012 incident in which he expelled Veselinka Rajkovic (an ethnic Serb), her five minor children, and a Serbian Orthodox nun from his establishment.

On July 27, the Constitutional Court rejected a 2011 agreement between the government and opposition parties that the national language taught in schools be officially called “Montenegrin, Serbian, Bosnian, and Croatian.” The court cited constitutional grounds for its decision and stated that agreement tended to “derogate” the status of the “Montenegrin” language. Despite the court’s decision, the education minister stated that the name of the language taught in school would not change. During the year parliament also amended the Education Law to establish “Montenegrin, Serbian, Bosnian, and Croatian” as the official name of the language taught in schools.

On July 2, the high court in Podgorica acquitted Darko Rasovic, Rados Zecevic, Srdjan Radulovic, and Radoslav Dragovic of disturbing the peace in 2011 by disseminating flyers calling for protests against the decision of the Education Ministry to terminate the teaching of the Serbian language in schools.

During the year there were several incidents of ethnic or religious discrimination. The president of the Bosniak Cultural Community in Rozaje, Hazbija Kalac, criticized police for stopping the motorcade of the head of the Serbian Islamic Community, Mufti Muamer Zukorlic, on August 6. According to Kalac the police action was intended to intimidate ethnic Bosniaks. On July 7, two Serbs, Rade Paunovic and Ljubisa Popovic, allegedly stopped a wedding motorcade that was displaying Bosniak and Montenegrin national symbols in Murino and injured Elvis Feratovic and Sead Radoncic. Paunovic and Popovic, who reportedly gave a known Serbian salute during the incident, denied the offense. Police briefly detained them, and then released them.

During the year there were isolated instances of graffiti targeting Roma, Muslims, and Albanians.

The leaders of ethnic minority communities continued to allege that the government did not fully comply with the constitutional requirement of affirmative action for minorities, even taking into account the 2011 reforms in the election law intended to ensure representation for minorities that constituted less than 3 percent of the population (see section 3). They asserted that, in addition to representation

in parliament, these rights should include representation in local self-government assemblies in areas where minority groups formed a significant share of the population. They also complained that minorities were underrepresented in government administration, the judiciary, and government-owned economic enterprises. A study conducted in July by the Ministry of Human and Minority Rights showed a large imbalance in the ethnic distribution in some categories of public sector jobs. Ethnic Montenegrins, who constituted less than half of the population, held 60 percent of these jobs, Serbs held 19 percent, Bosniaks 6 percent, Albanians 3.8 percent, Muslims 2.5 percent, and Croats 0.8 percent. According to the 2011 census, 44.9 percent of the population identified themselves as Montenegrins, 28.7 as Serbs, 8.65 as Bosniaks, 4.9 as Albanians, and 3.3 as Muslims by nationality. At year's end there were six Roma in the central administration and none in local government bodies.

Some Albanian groups claimed authorities' refusal to organize a consultative referendum on their request that the Tuzi area of Podgorica Municipality become a separate municipality constituted government discrimination against them.

The government supported national councils intended to represent the interests of ethnic minorities for Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma. NGOs, legal watchdogs, and the media accused the government of misappropriating money from the fund established to finance the national councils. The State Auditor General noted that the Ministry of Human and Minority Rights did not adequately monitor the fund's expenditures. Authorities provided 500,000 euros (\$680,000) to the councils during 2012 for specific projects. Although the Serbian National Council was dissolved at the electoral assembly following its failure to assemble a quorum, it received the greatest portion of funds, roughly 170,000 euros (\$230,000), over the objections of other minority groups. Some NGOs and opposition groups alleged that the money was earmarked to finance political campaigns. Civic Alliance sued the members of the council in 2012, claiming irregularities in the distribution of funds to the councils during the year and criticizing the state prosecutor for failing to take legal action. The case was pending.

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

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

Despite government efforts to improve the position of the LGBT community, LGBT persons and their supporters experienced continued societal discrimination, ostracism, public hostility, and violence. The negative public perception of LGBT persons led many to conceal their sexual orientation, but they were becoming more visible since many continued to come out to their families and colleagues. Hostile individuals used social media and LGBT dating sites to attack and bully LGBT and suspected LGBT persons anonymously. Some NGOs reported instances of hooligans creating fake social media online profiles to lure gay men on dates and to attack them physically.

Two domestic NGOs, LGBT Forum Progress and the newly formed Queer Montenegro, focused solely on the rights of the LGBT community, but other human rights NGOs also dealt with LGBT rights. During the year LGBT Forum Progress ran a shelter for LGBT persons that accommodated 12 persons, mainly men. The NGO Juventas operated an LGBT emergency hotline and ran a drop-in center that provided support, workshops, and medical and psychological assistance to LGBT individuals.

On February 2, Metropolitan Amfilohije Radovic of the Serbian Orthodox Church stated that pride parades damaged human dignity and demonic forces throughout Europe influenced them. On June 28, the metropolitan made statements on the television program *Ziva Istina* equating homosexuality with pedophilia.

On April 29, the trial against Drasko Mirkovic and Nikola Raznatovic, who allegedly assaulted Danilo Marunovic, Todor Vujosevic, and Mirko Boskovic in September 2012, began in the basic court in Podgorica. Vujosevic starred in, and Marunovic directed, a 2011 LGBT rights commercial that featured the country's first publicly displayed kiss between two men.

On May 17, the basic court in Podgorica convicted Professor Slobodan Radonjic of insult for an article he published in the daily newspaper *Dan* in 2011. In the article Radonjic wrote that homosexuals were unable to control their sexual drives and thus became rapists, pedophiles, necrophiles, and zoophiles. The court banned Radonjic from using similar language again and ordered him to pay court fees. Radonjic has appealed the judgment.

On May 25, a court convicted a student from Bar of threatening violence against an LGBT individual on Facebook. The Basic Court in Bar sentenced the student to two years of probation.

LGBT Forum Progress unilaterally organized the country's first pride parade on July 24, in the seaside town of Budva. Estimates of the number of participants varied, but the consensus placed the number at approximately 80. An angry crowd of 500 persons, some of whom threw rocks, bottles, and other objects, confronted the participants and caused minor injuries. The participants had the protection of 450 police officers. On August 21, police announced they charged 32 individuals with violating peace and order during the July parade, a misdemeanor. LGBT Forum Progress stated the number of individuals facing charges should have been significantly higher. The ages of those charged ranged from 16 to 61. In addition, LGBT Forum Progress reported on September 6 that it had initiated 201 court cases against individuals for hate speech and threats against the LGBT community.

On September 9, the executive director of LGBT Forum Progress, Zdravko Cimbalevic, accused health workers from the government-run Montenegrin Clinical Center, Maja Markovic Medenica, and Boris Sinanovic, of publishing hate speech against the LGBT community on the organization's webpage. According to the NGO, Medenica and Sinanovic stated that LGBT individuals were sick and should be hospitalized and that they promoted sin through their actions.

On September 10, Zdravko Cimbalevic stepped down from his position as executive director of Forum Progress to protest prosecutors' perceived lack of action on all of the pending cases of violence, hate speech, and threats against him and the LGBT community. Cimbalevic claimed that he spoke to the prosecutor's office, which claimed to be unaware of the status of the cases. Cimbalevic, who claimed to have received numerous death threats and been the victim of verbal and physical attacks, criticized police when they stopped providing him with protection. He subsequently left the country to seek asylum abroad.

On September 16, LGBT Forum Progress reported that unknown persons placed two posters featuring three masked hooligans holding baseball bats at a building where members of Forum Progress and the LGBT community reside. The posters showed the hooligans standing in front of an LGBT flag and contained the inscription, "We have been waiting for you." Police were investigating the incident at year's end.

On September 27, approximately 100 persons gathered in Podgorica to celebrate the official cancellation of the Belgrade pride parade and to protest the upcoming LGBT parade in Podgorica. Although they lacked a permit, police allowed them to march.

On October 19, a day before the Podgorica pride parade, local media reported that three young men, aged approximately 20, attacked a prominent but unnamed member of the LGBT movement Forum Progress. The attack reportedly occurred close to the building in which the LGBT activist lived. The alleged victim reported the case to police, but he had no visible bodily injuries.

On October 20, the first pride parade in Podgorica took place, organized by the NGO Queer Montenegro. Approximately 150 participants marched peacefully in the city's downtown, protected by 2,000 police officers. A crowd of approximately 1,500 persons tried to break through police lines, injuring 20 officers and damaging stores and cars. Police arrested 60 individuals.

During the year the government and several senior officials affirmed support for LGBT rights. In July several government officials, including representatives from the Office of the Ombudsman and the Ministry for Human and Minority Rights, attended the Budva pride parade. The prime minister's adviser for LGBT and human rights problems hosted several international conferences on discrimination and LGBT problems. The government passed legislation in 2012 to fund gender reassignment surgery for those seeking the procedure, but a protocol was still being developed at year's end.

Other Societal Violence or Discrimination

There were no reports of violence against persons with HIV/AIDS. 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 regarding medical records prevented many persons from seeking HIV testing. Authorities voiced concern about the inadequate registration of persons who died of AIDS, since cause of death outside of hospitals was not reported to authorities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to organize, join trade unions of their choosing, and conduct trade union activities without prior consent. It allows unions to engage in collective bargaining and other activities without government interference. The law gives the right to strike to workers except for those with

security-related responsibilities and other public servants whose absence from work would jeopardize public interest, national security, safety of persons and property, or the functioning of the government. It is illegal for employers to discriminate against union members or those seeking to organize a union, and employers may be fined or sentenced to one year in prison for violations. Workers dismissed for union activity have the right to reinstatement. There were no regulations apart from the law. Despite its provision by law, collective bargaining remained at a rudimentary level. Due to the economic crisis, many companies closed or downsized, resulting in lower trade union membership. Fragmented and small-scale unions in the trade and tourism industries often lacked the capacity to negotiate with employers.

Under the law collective bargaining agreements cover only the registered workforce. The Confederation of Trade Unions, the Union of Free Trade Unions, the Ministry of Labor and Social Welfare, and the Union of Employers did not agree on a new collective agreement.

On February 26, the Trade Union of Teachers accused the Confederation of Trade Unions of exerting pressure on school principals to influence members of the Trade Union of Teachers to join the Confederation of Trade Unions. The Trade Union of Teachers noted that, because many newly employed primary school teachers were employed on a short-term basis, they could be manipulated for electoral purposes.

The law provides for out-of-court settlements of individual and collective labor disputes. In 2010 the government created the Agency for Peaceful Resolution of Labor Disputes (under the Ministry of Labor and Social Welfare) to arbitrate such disputes. From 2010 to July 2013, the agency's 40 mediators reviewed more than 4,000 cases and managed to reach compromises between the parties in more than 80 percent of the cases. Most individual disputes related to unlawful dismissal, unpaid contributions for social insurance, and other administrative problems. According to media reports, in many instances employers failed to abide by the agency's decisions.

None of the protections available to legally registered workers applied to unregistered workers, many of whom came from abroad and did not have employment agreements. According to the press, between 15,000 and 40,000 domestic and foreign unregistered workers were employed during the summer season, primarily in construction, trade, tourism, agriculture, and catering.

There were small-scale protests by workers from trade unions against the government's economic austerity measures. Collective bargaining remained at a rudimentary level and was hampered by the fact that only the unions with the largest memberships in particular plants could be parties to collective agreements. There were reports from both private and public sector employees that employers threatened or otherwise intimidated workers engaged in union organizing or in other legal union activities. In some cases employees' salaries were cut, and some workers were dismissed for union activities. If workers challenged their dismissal in court, years could pass before they regained employment due to extensive court delays. The government's efforts to enforce the labor law were inconsistent.

On February 2, the media reported that the Kom-Eloksir company fired Vujica Lalevic, Predrag Vasojevic, and Marijana Vasojevic after they spoke to the press about a strike at the company.

Workers in privatized or bankrupt companies had outstanding claims for back payment of salaries and severance pay. Several local governments failed to pay their staff for months on end. Unpaid wages and factory closures led to large-scale strikes. The law provides some recourse, and parties reached settlements in the past involving compensation, but these were exceptions. The law requires employers to make substantial contributions to pension, social, and healthcare funds. To avoid these payments, employers often did not officially register their employees. Managers of enterprises that were the primary employers in some northern towns frequently took advantage of the lack of alternative employment there to avoid giving workers adequate pay and social protections.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but there were reports that individuals were trafficked within the country, particularly for commercial sex and construction work. Forced begging by Romani children remained by far the most prevalent form of compulsory labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

Laws and regulations provide for protection of children from exploitation in the workplace, and the government generally enforced them in the formal economy.

The official minimum age for employment is 15. Children under 18 may not work in jobs that involve particularly difficult physical work, overtime or night work, underground or underwater work, or labor that “may have a harmful effect or involve increased risk for their health and lives.” The law specifies fines ranging from 10 to 300 times the minimum wage for violations of these provisions.

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 helping their parents as day laborers. Many Romani IDP children engaged in begging. They usually gave the money they earned to older family members. Police asserted that the practice constituted isolated family begging rather than organized begging. Begging was readily observable in the country, particularly in Podgorica and the coastal areas during the summer. Police claimed that most of the children engaged in begging came from Kosovo and Serbia. Police continued an initiative aimed at suppressing begging, but with limited results. Police seldom pressed charges against the adult perpetrators, while children found without a guardian were placed in the children’s correctional facility in Ljubovic. After leaving the facility, most children resumed begging. Romani NGOs have tried to raise awareness of the problem, and suggested that the government did not provide sufficient resources for the rehabilitation of children begging and living on the street. Social centers stated that they received no reports of child exploitation during the first eight months of the year. In his annual report, the Ombudsman noted that social centers still treated begging children as delinquents.

In June 2012 the government established the Inspection Administration, which unified 30 inspectorial bodies from seven ministries and six agencies and became the sole government body responsible for government inspections. During the year the Inspection Administration lacked sufficient and adequately trained staff, office space, and financing. The Inspection Administration dedicated no inspectors to child labor and investigated compliance with the child labor law as part of a general labor inspection regime. The government did not collect data solely on child labor. Apart from begging, which is not considered “work” under the law, inspectors did not report any violations of child labor laws during the year.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

According to the National Statistics Office, the average net salary in October was 475 euros (\$641), a decrease of 1 percent from 2012. The national monthly minimum wage, as of April, was 193 euros (\$261). The government set the absolute poverty line for 2011 at 175 euros (\$236). The government statistics office estimated that approximately 9.3 percent of the population, or 60,000 individuals, lived below the poverty line, compared with 6.6 percent in 2010. 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.

The law establishes a 40-hour workweek (except in specified unusual circumstances) and requires employers to pay an unspecified premium for work in excess of 40 hours per week. 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 labor code requires equal pay for equal work. Many workers, particularly women employed in the commercial, catering, and service industries, worked unpaid overtime and were sometimes forced to work on religious holidays or forgo their rights to weekly and annual leave. These employees often failed to report the violations due to fear of repercussions. Employees can choose which holidays to observe depending on ethnic or religious affiliation. Watchdogs reported that the situation slightly improved due to proactive checks from labor inspectors. There were reports that employers failed to make mandatory payments to pension funds and for other services for their employees or to pay the minimum wage. Women were at times subject to discrimination based on their marital status, pregnancy, and physical appearance.

Citing the poor business environment and global economic crisis as justifications, employers often preferred to provide employment on a temporary basis. During the year authorities granted 16,500 work permits to foreign laborers, compared with 25,050 in 2012. To avoid employing them permanently, employers hired workers for a “trial period” lasting several months and then fired them before the trial period ended. They would then hire new workers and repeat the cycle. 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. According to a survey conducted by the NGO Rule of Law, more than 90 percent of incidents of workplace harassment took place in public administration and government-owned companies. The survey 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 persons worked six days a week.

While there were no legal or technical barriers preventing an employee from bringing a complaint against an employer, high unemployment rates coupled with the fear of losing one's job, a backlogged court system, and the lack of legal protection for approximately 20 percent (35,000 workers) of the labor force in the informal economy were disincentives to filing complaints.

The use of temporary workers continued to be a major problem between trade unions and employers, since employers had considerable leverage over the terms of employment of such workers, particularly women, older workers, and those with disabilities. Amendments to the law that came into force in December 2011 restricted temporary employment to two years. A provision that employers may not extend temporary employment was scheduled to expire on December 22. The government and two trade unions could not agree whether to terminate or extend the temporary employment provision. Employers justified temporary employment based on the dire economic situation in the country. Employees with temporary contracts did not enjoy the same benefits as those with full-time employment.

The government establishes health and safety regulations in the workplace. Employers who fail to abide by preventive measures or legal provisions for protection at work may be fined or imprisoned for up to one year. In spite of government warnings, many workers on construction sites worked in high temperatures and dangerous conditions. The regulations require employers and supervisors to supply and enforce the use of safety equipment and report any workplace deaths or serious injuries within 24 hours. Authorities did not rigidly enforce the safety requirements, and both employers and workers violated health and safety rules, particularly in the construction, electric power, wood processing, and welding industries. Improper maintenance of machinery and tools used at construction sites increased the risk of injuries. During the first eight months of the year, there were five deaths and 31 serious injuries. The highest risk industries included construction, energy, wood processing, and transportation. The most frequent reasons cited for injuries were lack of work-related training, inadequate medical care for workers, and old equipment. During the year only nine inspectors conducted workplace safety inspections.

Labor inspectors have the legal authority to close an establishment until violations are corrected. They can fine owners who are guilty of repeated violations. Inspectors found violations involving work without contracts, inadequate payments

to workers, failure to pay worker contributions to social funds, lack of labor permits, unused holidays, and lengthy working hours. During 2012 inspectors conducted 12,154 inspections, found 8,359 irregularities, closed workplaces in 216 cases, issued 3,689 reprimands, and levied 1,679 on-the-spot fines for lesser violations. Inspectors found the most irregularities in the catering, tourism, and construction sectors.