

MONTENEGRO 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic with a multiparty political system. Voters choose both the president and the unicameral parliament through popular elections. The president nominates, and the parliament approves, the prime minister. An observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated the 2016 parliamentary elections were conducted in a competitive environment and that fundamental freedoms were generally respected. The opposition coalition did not accept the election results and began a continuing boycott of parliament, although all but two parties have since returned. In April 2018 Milo Djukanovic, president of the Democratic Party of Socialists (DPS), was elected president, winning approximately 54 percent of the vote in the first round for his second term as president. He had already served six terms as prime minister. Observers from the OSCE/ODIHR, the European Parliament, and the Council of Europe's Parliamentary Assembly noted the election proceeded in an orderly manner but had a few minor irregularities that did not affect the outcome. Despite opposition protests, elections were generally considered free and fair.

The National Police Force, which includes Border Police, is responsible for maintaining internal security. They are organized under the Ministry of Interior and report to the police director and, through him, to the prime minister. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: unsolved attacks on journalists and pressure on the press including violence or threats of violence; corruption; trafficking in persons; and crimes involving violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Impunity remained a problem, since the government did not investigate or punish officials who committed human rights abuses.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

As of September there were 15 killings during the year by organized criminal groups. According to police, at least 13 of these killings were solved and nine perpetrators arrested. According to the 2017 *EU Serious and Organized Crime Threat Assessment* report by Europol, the number of organized crime groups operating in the country decreased from 20 in 2013 to 11. Their main activity was narcotics smuggling. The Ministry of the Interior attributed the decrease to intense police activity.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

While the constitution and law prohibit such practices, there were reports of beatings in prisons and detention centers across the country. The government prosecuted some police officers and prison guards accused of overstepping their authority, but there were delays in the court proceedings. Nongovernmental organizations (NGOs) noted that a number of police officers found to be responsible for violating the rules of their service, including cases of excessive use of force, remained on duty.

During the year the Council of Europe's Committee for the Prevention of Torture (CPT) released a report, based on its 2017 visit to the country, which noted that, despite some overall improvement in the treatment of persons detained by police since its previous visit in 2013, a significant number of allegations of physical mistreatment by police officers was received. The alleged mistreatment consisted of punches, slaps, kicks, baton blows, and strikes with nonstandard objects, and the infliction of electrical shocks from hand-held electrical discharge devices. The majority of abuses were alleged to have occurred either at the time of apprehension or during the preinvestigation phase of detention for the purpose of extracting confessions. In the prison it visited, the CPT received a significant number of allegations of physical mistreatment consisting of slaps, punches, and kicks as well as prolonged restraint to a bed with metal hand and ankle-cuffs. The CPT concluded that persons deprived of their liberty still run an appreciable risk of police mistreatment.

An analysis of the effectiveness of investigations into allegations of mistreatment revealed shortcomings in the independence and resources of the Internal Control Department of the Ministry of the Interior. A need for prosecutors to carry out timely investigations was also identified.

Prison and Detention Center Conditions

There were some reports regarding prison and detention center conditions that raised human rights concerns.

Physical Conditions: There were some poor conditions in prisons and pretrial detention facilities due to overcrowding and access to medical care. In its report, the CPT noted problematic levels of prison overcrowding, i.e., less than three square meters (32.3 square feet) of space per inmate in multiple-occupancy cells in certain sections and remand prisoners confined to their cells for 23 hours a day without being offered activities for months or even years on end. The CPT noted that material condition in police stations it visited were not suitable for detaining persons for up to 72 hours due to structural deficiencies such as poor access to natural light, inadequate ventilation, poor conditions of hygiene, and irregular provision of food.

NGOs reported that detainees who were addicted to drugs, had mental disabilities, or had other disabilities continued to face difficulties in obtaining adequate treatment while detained. The CPT also noted the level of serious interprisoner violence was a long-standing and persistent problem at the Remand Prison and the Institute for Sentenced Prisoners. Podgorica Prison was not fully accessible to persons with disabilities.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment, but they usually did so only in reaction to media campaigns or upon the ombudsman's recommendation. Results of investigations were generally made available to the public.

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

Improvements: Improvements in the physical facilities, staffing levels, and training for guards continued throughout the year. Overcrowding in Podgorica's temporary detention prison significantly diminished.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government usually observed these requirements.

Arrest Procedures and Treatment of Detainees

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

Courts increasingly used bail. Judges can also release defendants without bail and limit their movements, impose reporting requirements upon them, or retain their passports or other documents to prevent flight. The law permits a detainee to have an attorney present during police questioning and court proceedings, and detainees generally had prompt access to a lawyer. Although legal assistance is required to be available for persons in need, financial constraints sometimes limited the quality and availability of assistance. Authorities must immediately inform the detainee's family, common-law partner, or responsible social institution of an arrest, and they usually did so. There were no reports that authorities held detainees incommunicado.

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

Pretrial Detention: Courts frequently ordered the detention of criminal defendants pending trial. The law sets the initial length of pretrial detention at 30 days but

permits prosecutors to increase it by five months. When combined with extensions granted by trial judges, authorities could potentially detain a defendant legally for up to three years from arrest through completion of the trial or sentencing. The average detention lasted between 90 and 120 days. The length of pretrial detention was usually shorter than the maximum sentence for the alleged crime. Authorities stated that pretrial detainees on average accounted for 30 percent of the prison population. Police often relied on prolonged pretrial detention as an aid to investigate crimes. The backlog of criminal cases in the courts also contributed to prolonged detention. The courts continued to reduce this backlog gradually.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but some NGOs, international organizations, and legal experts asserted that political pressure and corruption influenced prosecutors and judges. The process of appointing judges and prosecutors remained somewhat politicized, although the law provides for a prosecutorial council to select prosecutors. Inadequate funding and a lack of organization continued to hamper the effectiveness of the courts. The law provides for plea bargaining, which is available for all crimes except war crimes and those related to terrorism.

Trial Procedures

The constitution and law provide for the right to a fair and public trial. By law defendants are presumed innocent. Authorities are required to inform detainees of the grounds for their detention. Defendants have the right to a fair and public trial without undue delay and to be present at their trial. Courts may close certain sessions during the testimony of government-protected or other sensitive witnesses. Authorities also close juvenile trials. Defendants have the right to consult an attorney in a timely manner in pretrial and trial proceedings. The law requires authorities to provide an attorney at public expense when a defendant is a person with disabilities or is already in detention, destitute, facing a charge carrying a possible sentence of more than 10 years, being tried in absentia, or engaged in a plea-bargaining process. Defendants have the right to adequate time and facilities to prepare a defense; to free interpretation from the moment charged through all appeals; and to confront prosecution witnesses, present their own witnesses and evidence, and remain silent. Both the defense and the prosecution have the right of appeal.

While the judiciary endeavored to hold criminal trials publicly, it often did not do so due to a shortage of proper facilities. The shortage also affected the timeliness of trials. Systemic weaknesses, such as political influence and prolonged procedures, diminished public confidence in the efficiency and impartiality of the judiciary.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

Upon exhausting all other available effective legal remedies, citizens may appeal alleged violations of human rights to the Constitutional Court. A large number of cases filed with the court involved such complaints. The Constitutional Court has the authority to review all alleged constitutional and human rights violations. If it finds a violation, it vacates the lower court's decision and refers the case to an appropriate court or other authority to rectify the deficiency.

There were also administrative remedies for violations of constitutionally protected human rights. In cases of police abuse, citizens can address complaints to the Council for Civilian Control of Police Operations, which may then make recommendations for action to the chief of police or the interior minister. The ombudsman's office noted the long duration of trials, especially those that were deemed a high priority, eroded citizens' trust in the court system. This was particularly pronounced in disputes dealing with the establishment or termination

of employment or the right to earnings and other wages. The office was also empowered to act in certain individual cases.

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

Property Restitution

While the government is responsible for Holocaust restitution issues and has laws and mechanisms in place, the pre-World War II Jewish population was estimated to have been only about 30 individuals with no identified synagogue or communal property. There is one possible case of a claim for restitution regarding Holocaust-era properties. A family that has the longest-running property restitution case in the country recently reported its Jewish heritage, thus potentially bringing this case under the purview of the Terezin Declaration. Neither the local Jewish community nor the government has thus far confirmed the information.

The country's restitution law was most recently amended in 2007, and the country has not passed any laws dealing with restitution following the endorsement of the Terezin Declaration in 2009, nor did it make any special provisions for heirless property from the Holocaust era. The passage of a law on the restitution of religious or communal properties would have minimal impact on the Jewish community, given its small size and the absence of identified prewar Jewish communal property. Any such legislation would mainly apply to properties confiscated from the Serbian Orthodox and Roman Catholic Churches during the communist era.

A large number of restitution claims for private and religious properties confiscated during the communist era remained unresolved. Both private individuals and NGOs criticized the government for delays in addressing this problem.

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

The constitution and law prohibit such actions without court approval or legal necessity and prohibit police from searching a residence or conducting undercover or monitoring operations without a warrant. The law requires the National Security Agency and police to obtain court authorization for wiretaps. There were no official reports the government failed to respect these requirements for

conducting physical and property searches. Human rights activists, such as the NGOs MANS and Institute Alternativa, continued to claim, however, that authorities engaged in illegal wiretapping and surveillance. External judicial and parliamentary oversight bodies, including the opposition-controlled inspector general, did not report any violations of the law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. Unsolved attacks against journalists, political interference with the public broadcaster, smear campaigns carried out by progovernment tabloids, and unfair treatment and economic pressure from government ministries and agencies against independent and pro-opposition media remained a significant problem.

Press and Media, Including Online Media: Independent media generally expressed a wide variety of political and social views, including through articles and programs critical of the authorities. The NGO Center for Civic Education warned in each of its annual reports since 2012, however, that selective and nontransparent public funding through the purchase of advertising continued to exert undue influence on the media market. According to the NGO, such funding was provided to reward media outlets favorable to the government and withheld from media that questioned official policies or practices.

The independent television station and newspaper *Vijesti* continued to attribute its difficulties making regular tax payments to unfair media conditions, economic pressure from the government, and selective prosecution. It complained of large government subsidies to the national public broadcaster, favoring progovernment media when distributing public funds through advertising and project tenders, and a favorable disposition towards foreign-based media compared with local outlets; it also alleged the judiciary practiced selective efficiency and application of defamation laws when independent media are involved. On April 17, an appellate court overturned a 2018 Commercial Court ruling that rejected a 2014 lawsuit brought by *Vijesti*'s parent company, Daily Press, against the progovernment tabloid Pink M Television for allegedly defaming and discrediting *Vijesti*. The appellate court returned the case to the Commercial Court for a readjudication, which continued at year's end.

Violence and Harassment: Unsolved attacks from previous years and an atmosphere of intimidation against media critical of the government continued to be a serious problem.

On February 19, police announced that the May 2018 shooting of *Vijesti* reporter Olivera Lakic in front of her home in Podgorica had been solved and named a known criminal and his gang as the perpetrators. Police arrested nine individuals for the attack on Lakic, but independent media questioned police findings because prosecutors had not yet brought formal indictments against the suspects. Lakic, whose investigative reporting covered crime and corruption in the country, was previously attacked in 2012. Government officials, political parties, and international and multilateral organizations condemned the 2018 attack.

On October 14, the High Court of Bijelo Polje fined Nova M, the company that acquired Pink M in 2018, 2,000 euros (\$2,200) for defaming *Vijesti*'s owners Zeljko Ivanovic and Miodrag Perovic. The basic court had originally ordered a fine of 5,000 euros (\$5,500). Ivanovic and Perovic sued Pink M for its misleading reporting connecting them to a former *Vijesti* journalist suspected of collecting and distributing child pornography on the internet. Separately, 20 journalists from *Vijesti* individually sued Pink M for similarly attacking their reputations by misleadingly linking them to the accused. As of November, first instance courts had ruled in favor of 19 of the journalists, ordering Nova M to pay fines ranging from 1,000 to 5,000 euros (\$1,100 to \$5,500), with higher courts subsequently lowering the fines to 800 to 2,000 euros (\$880 to \$2,200). *Vijesti* welcomed the court decisions but criticized state institutions for being inefficient in preventing progovernment tabloids from waging smear campaigns against independent media.

On December 3, journalist Vladimir Otasevic, who worked for the independent daily newspaper *Dan*, was assaulted while photographing controversial Montenegrin businessman Zoran Becirovic, whom the special prosecutor had previously brought in for questioning regarding an alleged attempt to intimidate a witness in the company of high state prosecutor Milos Soskic, in a shopping mall in Podgorica. According to media reports, Becirovic's bodyguard Mladen Mijatovic grabbed Otasevic by the back of the neck, used his shoulder to hit him, and verbally threatened him. The assault reportedly occurred in the presence of Soskic, who according to media reports "remained silent" and did nothing to stop the incident. The incident received additional attention as Mijatovic is employed by the Ministry of Interior and did not have permission to work as a private bodyguard. The Ombudsman's Office, media outlets, NGOs, and opposition

political parties condemned the attack and urged the authorities to investigate the role of the state prosecutor and the Interior Ministry's employee in this incident.

Media outlets reported that more than two-thirds of the 85 attacks on journalists since 2004 remained unsolved or did not result in sentences. Observers also noted that the vast majority of the attacks targeted independent or pro-opposition journalists and media professionals.

Censorship or Content Restrictions: Independent and pro-opposition media complained about unfair treatment and economic pressure from government ministries and agencies. The Center for Civic Education claimed that selective and nontransparent distribution of public funds to media outlets created an unfair media environment and constituted "soft censorship."

On December 4, the Supreme Court upheld the High Court in Podgorica's June 1 ruling making it final that the managing council of the public broadcaster Radio and Television Montenegro (RTCG) illegally dismissed RTCG's director general, Andrijana Kadija, in 2018. Of the nine-member council, six representatives affiliated with the ruling DPS voted for Kadija's dismissal. Kadija maintained she was dismissed because of her professional and politically unbiased managing of RTCG. The EU and the OSCE sharply criticized the dismissal.

Independent journalists, civil society activists, and opposition politicians asserted that Kadija's dismissal was the final step in DPS's campaign to regain control of the public broadcaster. That campaign, they claimed, began late in 2017 when parliament dismissed two RTCG council members, film director Nikola Vukcevic and NGO activist Goran Djurovic, allegedly over conflicts of interest. On February 28 and in December 2018, in separate rulings, the basic courts in Podgorica and Niksic, respectively, ruled that parliament's dismissals of Djurovic and Vukcevic were illegal and annulled the parliament's decisions on the dismissals. Parliament contested the court's ability to adjudicate parliamentary decisions on appointments and dismissals and order reinstatement, and it did not comply with the decision. On June 27, the Supreme Court issued a nonbinding but advisory general legal opinion stating that courts cannot challenge parliamentary decisions on elections, appointments, and dismissals of public officials and force reappointments via injunctive relief.

On October 25, in a retrial, the basic court in Podgorica reversed its February ruling and dismissed Djurovic's lawsuit against the parliament. The NGO Human Rights Action warned that the reversal, influenced by the Supreme Court's earlier

opinion, showed there is no effective legal protection against the parliamentary majority's illegal decisions. Nonetheless, actions for monetary damages for illegal dismissals remained available.

On September 24, the Supreme Court upheld the High Court in Podgorica's February 7 ruling that RTCG director general Bozidar Sundic, who replaced Kadija, illegally dismissed Kadija's first associate, RTCG's Television Section director Vladan Micunovic. Commenting on the verdict, Micunovic described the decision on his replacement, as well as the replacements of Kadija, Vukcevic, and Djurovic as a "totalitarian purge and a mockery of the law, profession, and common sense."

On September 24, the High Court in Podgorica ordered the state government and the former editor-in-chief of the daily *Pobjeda*, Srdjan Kusovac, to pay a total of 10,000 euros (\$12,000) to journalists of the independent weekly newspaper *Monitor*, Milka Tadic Mijovic and Milena Perovic, for damaging their "reputation and honor." Kusovac, the incumbent head of the Montenegrin government's public relations bureau, and the state government were also ordered to pay an additional fine of nearly 4,000 euros (\$4,400) for court expenses. The formerly state-owned daily *Pobjeda*, under Kusovac's leadership, published a series of articles in 2011-2012 attempting to discredit the two independent journalists and strong government critics.

In its 2019 *Report on Montenegro*, published on May 29, the European Commission (EC) noted the country made no progress in advancing freedom of expression since April 2018. The EC specifically warned that "recent political interference in the national public broadcaster council and the Agency for Electronic Media are a matter of serious concern."

Some media outlets continued to demonstrate a willingness to criticize the government. A lack of training and unprofessional journalistic behavior, combined with low salaries and political pressure, contributed to self-censorship and what could be deemed biased coverage.

Libel/Slander Laws: There is no criminal libel law, but media outlets faced libel charges in civil proceedings.

According to a February report of the NGO Center for Civic Education, more than 60 percent of all complaints filed with the Agency for Electronic Media (AEM) in 2015-18 were against Pink M, usually related to unprofessional and unethical

reporting aimed at discrediting media and civil society figures critical of the government. In 39 of the cases, the AEM found that Pink M had violated the agency's program principles and standards. The AEM took no disciplinary actions against Pink M during the year since the broadcaster sold its national frequency and moved to cable transmission in the second half of 2018, significantly reducing its reach and Montenegro-related content.

On July 18, the Constitutional Court overturned the 2015 Podgorica Supreme Court and the High Court decisions to fine independent weekly newspaper *Monitor* 5,000 euros (\$5,500) for the alleged defamation of President Milo Djukanovic's sister, Ana Kolarevic, in the weekly's 2012 reports about Kolarevic's alleged role in the controversial privatization of the national telecommunication company, Telekom Crna Gora. The Constitutional Court found that the lower instance courts had violated *Monitor's* constitutional right to freedom of expression and returned the case for a retrial.

On September 12, an appellate court overturned, the High Court of Podgorica's January 15 ruling to sentence investigative journalist Jovo Martinovic to 18 months in prison for allegedly being part of an international drug smuggling chain. Martinovic denies the charges of drug trafficking and criminal association, claiming that his contact with convicted criminals was solely in the context of his work as a journalist. The appellate decision sent the case back to the High Court for a retrial.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no official reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The constitution and law provide for the freedom of peaceful assembly, and the government generally respected these rights. Public gatherings within 164 feet of government buildings are prohibited.

Police asserted that they prohibited gatherings that would disturb public peace and order or interfere with traffic. In some cases authorities offered protesters alternate locations for demonstrations. In a few cases, police detained protesters for questioning or charged them with misdemeanors.

c. Freedom of Religion

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

d. Freedom of Movement

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

e. Internally Displaced Persons

Ministry of Interior statistics indicated that 15,226 displaced persons (DPs) had applied to resolve their residency status as of September. Of these, 12,342 had received permanent or temporary resident status and 207 applications were still pending. Individuals with temporary residence still need support to acquire permanent residence because they still need to acquire identity documents, such as birth and citizenship certificates, to get their passports.

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

With support of the Office of the UN High Commissioner for Refugees (UNHCR), the government, together with the government of Kosovo, continued to assist displaced Roma and Balkan-Egyptians in obtaining personal identification documents under a Montenegro-Kosovo agreement on late registration of births of persons born outside the hospital system. A mobile team from Kosovo's Interior

Ministry visited Montenegro in July and provided support to 33 DPs in need of Kosovo documents. Approximately 70 persons remained in need of Kosovo documents to be able to acquire permanent residence status in Montenegro. The process, supported by UNHCR and the OSCE, facilitated the registration of births of persons born in Montenegro or Kosovo, especially Romani, Ashkali, and Balkan-Egyptian children.

Conditions for IDPs and DPs from the Yugoslav wars varied. Access to employment, health care, and social services was sometimes limited due to language barriers, insufficient integration programs, lack of documentation, or unclear or inconsistent administrative procedures. According to UNHCR's livelihood study launched in 2018, many remained vulnerable and in need of support to become self-reliant, and continued to live below the poverty line.

Together with Croatia, Serbia, and Bosnia and Herzegovina, the country was a party to the Regional Housing Program, facilitated by international donors, to provide durable solutions for up to 6,000 DPs and IDPs in the country. In March, 94 residential units were completed at the Rudes refugee camp in Berane, addressing the permanent housing needs of many IDPs who had been living in temporary structures since their arrival in the country in the 1990s.

A number of DPs and IDPs continued to live in substandard dwellings, struggled to pay rent for private accommodation, or feared eviction from illegally occupied facilities known as informal collective centers, mostly in the coastal municipalities. Construction of apartments under the Regional Housing Program led to the closure of the settlement in Berane and a container camp in Podgorica. While construction of multiple apartment buildings under the Regional Housing Program continued across the country, the beneficiaries continued to face challenges relating to sustainable livelihoods.

To assist both DPs from Croatia and Bosnia and Herzegovina and IDPs from Kosovo, the government continued to implement its 2017-19 national strategy for finding durable solutions for DPs and IDPs during the year.

Restricted access to employment pushed many DPs into gray-market activities. Poor economic prospects particularly affected Roma, Ashkali, and Balkan-Egyptians from Kosovo as well as the aging Kosovo-Serb population in the Berane area, who continued to form a large segment of the marginalized and vulnerable DP population by virtue of their size, time in country, and access to resources. Romani IDPs, mostly in urban areas, were the most vulnerable and marginalized

displaced population in the country due to their low social status and level of integration, high levels of unemployment, and low levels of schooling and literacy.

Although the law gives foreigners with permanent residence the full scope of rights as citizens, with the exception of the right to vote, DPs and IDPs from the former Yugoslavia sometimes had limited access to employment, education, property ownership, and specialized medical care due to the difficulty of obtaining official documents. IDPs could find opportunities if they showed flexibility in accepting jobs, not necessarily reflecting their education or experience, or not insisting on a labor contract.

The government continued to encourage IDPs and DPs to return to their places of origin, but repatriation was essentially nonexistent due to the preference of many IDPs and DPs to remain in the country due to fear of reprisals in their countries of origin or a lack of resources or the lost bond with their country or place of origin.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of refugee or subsidiary protection status, and the government established a system for providing protection to refugees. Authorities did not employ methods for managing mixed migration movements effectively, such as prioritization or accelerated procedures. Observers noted that attention and readiness to address the increased mixed flow of migrants remained focused on border control aspects, as evidenced by the sharp rise in the number of migrants pushed back from the Montenegro border during the year.

Access to Basic Services: Once the asylum procedure is initiated, asylum seekers are granted access to free health care and education for minor applicants in line with international standards, although barriers to access, including language and cultural differences, sometimes limited practical access. For example, M.F. from Iran was not able to find a job because of poor command of the local language although he is officially registered with Employment Agency. F.K. from Ghana was not able to find a job because of language requirements. Many IDPs have difficulties obtaining documents, and thus accessing services such as healthcare, due to language barriers.

Durable Solutions: A path to citizenship is available but requires evidence that the applicant had renounced citizenship in his or her country of origin. The government provided support for the voluntary return or reintegration of DPs from countries of the former Yugoslavia. Those who chose the option of integration

rather than return to their country of origin enjoyed access to the same rights as citizens, including access to basic services and naturalization in the country, but they did not have the right to vote.

Temporary Protection: The government also provided subsidiary protection to individuals who may not qualify as refugees and provided it to approximately five persons. By law persons granted subsidiary protection are entitled to a facilitated integration plan for three years after receiving status. The integration plan is tailored to the individual's particular needs and includes support in accessing education, Montenegrin language classes, seeking employment, and the provision of accommodation for up to two years. Beneficiaries of refugee or subsidiary protection status may appeal a decision relating to their entitlements before the Administrative Court.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held presidential elections on April 15. The OSCE/ODIHR observation mission to the elections noted in its final report that although the candidate nominated by the governing party held an institutional advantage, fundamental freedoms were respected. Candidates campaigned freely and media provided the contestants with a platform to present their views. The technical aspects of the election were adequately managed, although observers noted the transparency and professionalism of the State Election Commission remained issues of concern. Election day proceeded in an orderly manner despite a few observed procedural irregularities.

On May 9, Podgorica's High Court convicted 13 individuals of plotting a failed coup designed to disrupt the country's 2016 parliamentary elections. The persons convicted included two leaders of the opposition political alliance Democratic Front (DF), Andrija Mandic and Milan Knezevic, and two alleged Russian

intelligence officers. Defense attorneys for Mandic and Knezevic filed an appeal demanding either an acquittal or a new trial with new judges.

Nine opposition members of parliament disputing the results of the 2016 parliamentary elections continued to boycott parliament. The political scene remained fragmented, polarized, and without constructive political dialogue.

Political Parties and Political Participation: Opposition parties, including opposition political alliance DF, complained that the ruling DPS continued to enjoy a 28-year virtual monopoly of state resources and media, with membership in the ruling party a prerequisite for advancement. There were also reports the government used the purchase of public advertising selectively to support media outlets offering favorable coverage. The trial of Nebojsa Medojevic, a leader of the DF, along with 11 other DF members for alleged money laundering linked to DF financing during the 2016 elections continued during the year. The DF accused the prosecutor's office of acting under the influence of the ruling DPS and bringing false charges against it to reduce DF's influence in the country as the strongest opposition group.

Participation of Women and Minorities: No laws formally limit the participation of women or minorities in the political process, and they did participate. Although the law requires that at least 30 percent of a political party's candidates be female, women held only 23 percent (19 of 81) of delegate seats in parliament. In the national government, women held four out of 17 ministerial seats.

All minority groups had representatives in parliament except the Roma, Ashkali, and Balkan-Egyptians, who remained unrepresented. Although the law provides representation to minority-affiliated parties that win less than 3 percent of the vote or constitute less than 15 percent of the population, this law does not apply to the Romani community, nor has a Romani political party ever registered. The law also provides for positive discrimination in the allocation of electoral seats at the municipal level for minorities constituting 1.5 to 15 percent of the population. There were no political representatives of Roma, Ashkali, or Balkan-Egyptians at the municipal level.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and corruption remained a problem. Some government officials often engaged in corrupt practices with impunity. The public

viewed corruption in hiring practices based on personal relationships or political affiliation as endemic in the government and elsewhere in the public sector at both local and national levels. This was particularly the case in the areas of health, higher education, the judiciary, customs, political parties, police, urban planning, the construction industry, and employment. The Agency for the Prevention of Corruption continued to operate, but NGOs and the EC stated that “challenges related to the independence, credibility, and priority-setting of the agency are yet to be addressed.”

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

Corruption: Most citizen reports of corruption to the Agency for Prevention of Corruption involved public administration, the private sector, and the judiciary. After the Special Prosecutor’s Office issued an indictment against controversial businessman Dusko Knezevic for heading a criminal group that organized and executed the laundering of 500 million euros (\$550 million) through Atlas Banka, which Knezevic owns, a video surfaced allegedly showing him providing bribes and illegal election financing to a top DPS official. The video, locally dubbed as “the envelope affair,” was followed by several large protests in February demanding the resignation of the president, the supreme state prosecutor, and the chief prosecutor for organized crime. Knezevic’s alleged criminal organization purportedly planned for several legal entities from the country partially to avoid paying taxes by utilizing falsified invoices for goods and services to launder funds. During the year Knezevic was reportedly living in the United Kingdom, where he was undergoing extradition proceedings. Knezevic previously had close ties with many officials from the country’s ruling party, the DPS. For his part Knezevic claimed that the charges were arranged by the highest government officials close to President Milo Djukanovic with the goal of taking over his businesses.

In May the Podgorica High Court confirmed the Special Prosecution’s indictment against 24 individuals in a massive cigarette smuggling case. Such excise tax avoidance operations were a key source of funds for organized crime groups in the country. The criminal organization included employees of the country’s customs service, and their operations resulted in an estimated 44-million-euro (\$48.4 million) loss to the state.

In August the Special Prosecution in cooperation with the Special Police continued to make arrests in operation “Klap,” a nationwide anticorruption campaign against tax officials, private companies, and individuals. During the year authorities arrested 30 government officials, including four tax inspectors, and their partners in private companies. Several of those charged cooperated with authorities and negotiated plea bargains. Through their illegal activities, the suspects were estimated to have damaged the state budget by approximately five million euros (\$5.5 million). Charges were also filed against nine companies involved in the scheme.

Police corruption and inappropriate government influence on police behavior remained problems. Impunity remained a problem in the security forces, according to the NGOs Human Rights Action. NGOs cited corruption, lack of transparency, and the ruling political parties’ influence over prosecutors and officials of the Ministry of Interior as obstacles to greater effectiveness. They noted there was no clear mechanism to investigate instances of impunity. There was also a widespread view that personal connections influenced the enforcement of laws. Low salaries sometimes contributed to corruption and unprofessional behavior by police officers.

Human rights observers continued to express concern over the low number of prosecutions of security force personnel accused of human rights abuses. Police did not provide information about the number of human rights complaints against security forces, or investigations into complaints. The prosecutor’s office, which is responsible for investigating such abuses, seldom challenged a police finding that its use of force was reasonable. Human rights observers claimed citizens were reluctant to report police misconduct due to fear of reprisals. Watchdog groups alleged that the continuing police practice of filing countercharges against individuals who reported police abuse discouraged citizens from reporting and influenced other police officers to cover up responsibility for violations. An external police oversight body, the Council for Civilian Control of Police Operations, stated that identification of police officers who committed alleged abuses was problematic because officers wore masks and were not willing to admit personal responsibility. Although part of their uniform, the masks contributed to a de facto impunity because police officers who perpetrated abuses could not be identified, and their units and commanders were unwilling to identify one of their members.

Financial Disclosure: The law requires government officials to report any increases in value of personal property of more than 5,000 euros (\$5,500) or any

gift exceeding 50 euros (\$55) to the Agency for the Prevention of Corruption (APC). Violations of the obligation to file and disclose are subject to administrative or misdemeanor sanctions. Most officials complied with the requirements in a timely fashion. In the first six months of the year, however, the agency filed 179 requests to initiate misdemeanor proceedings against public officials who did not submit regular annual reports on income and assets or for breaking campaign finance laws; 40 of these proceedings resulted in fines that amounted to 8,745 euros total (\$9,600).

NGOs urged the APC to pursue charges against President Djukanovic after indicted businessman Dusko Knezevic submitted documentation showing he had paid 16,000 euros (\$17,600) of debt on the president's credit card. The APC determined, however, that settling a public official's debt on a credit card could not be considered as a gift.

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

Several domestic and international human rights groups operated, generally without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to the views of international groups, but some domestic NGOs assessed this cooperation as uneven. In its *2019 Progress Report on Montenegro*, the EC identified as "matters of serious concern" the practice of "controversial dismissals of prominent nongovernmental organizations' representatives from key institutions and bodies" and a growing trend among public institutions of responding to requests for information by declaring it to be classified.

Government Human Rights Bodies: The ombudsman served within the Office of the Protector of Human Rights to prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment as well as discrimination. The Office of the Protector of Human Rights may investigate alleged government human rights violations and inspect such institutions as prisons and pretrial detention centers without prior notification. It may access all documents, irrespective of their level of secrecy, relating to detainees or convicts and talk to prisoners or detainees without the presence of officials. The office may not act upon complaints about judicial proceedings in process, except when the complaint involves delays, obvious procedural violations, or failure to carry out court decisions. The ombudsman may propose new laws, ask the Constitutional Court to determine whether a law violates the constitution or treaty obligations, evaluate

particular human rights problems upon request of a competent body, address general problems important for the protection and promotion of human rights and freedoms, and cooperate with other organizations and institutions dealing with human rights and freedoms. Upon finding a violation of human rights by a government agency, the ombudsman may request remedial measures, including dismissal of the violator, and evaluate how well the agency implemented the remedial measures. Failure to comply with the ombudsman's request for corrective action within a defined period is punishable by fines of 500 to 2,500 euros (\$550 to \$2,750). The government and courts generally implemented the ombudsman's recommendations, although often with delays. The ombudsman operated without government or party interference and enjoyed cooperation from NGOs.

Parliament has a six-member Standing Committee for Human Rights and Freedoms. Many observers continued to perceive its contribution as insignificant and criticized its apparent sole focus on how international and European institutions assessed the country.

Some NGOs and international organizations criticized the Ministry of Human and Minority Rights for passivity stating that its capacity remained limited and needed further strengthening.

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

Women

Rape and Domestic Violence: These acts are illegal, and authorities generally enforced the law. In most cases the penalty provided by law for rape, including spousal rape, is one to 10 years in prison, although the law permits lower sentences in cases where there are exceptionally extenuating circumstances or a significant lack of evidence. Actual sentences were generally lenient, averaging three years.

Domestic violence is generally punishable by a fine or a one-year prison sentence. According to NGO reports, courts often failed to prosecute domestic violence. When they did, sentences were lenient. Lengthy trials, economic dependency, societal norms, and a lack of alternative places to live often forced victims and perpetrators to continue to live together. Police response was also reported to be substandard, with officers often counseling women to "forgive" their attackers or to "not harm their (the attackers) job prospects." Other institutions' responses were also problematic. In one example at the Plav medical center, a patient repeatedly

reported fear of her partner and begged clinicians not to let him near her; she was subsequently left alone with her partner in an examination room, where he proceeded to beat her until she lost consciousness.

The country aligned its legislation with the Istanbul Convention on violence against women and domestic violence, but domestic violence remained a persistent and common problem. The law permits victims to obtain restraining orders against abusers. When abuser and victim live together, authorities may remove the abuser from the property, regardless of ownership rights. In practice this was rarely done. Domestic violence was a serious problem in all communities.

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 reported that state institutions did not provide physical protection for victims. In February 2018 an interagency team for domestic violence was formed, composed of representatives of the Ministries of Interior, Labor and Social Welfare, and Health, the State Prosecution, the Supreme Court, the Higher Court, the Organization for the Civic Control of Police, and six NGOs. In September 2018 it adopted a protocol on processing cases of domestic violence. The team worked to set up a single electronic database on domestic violence to enable automatic data exchange between the Ministry of Interior and social work centers; results of the effort were still pending.

The government, in cooperation with an NGO, operated a free hotline for victims of family violence. NGOs continued to report that, despite some progress, particularly in the law, government agencies responded inadequately to prevent domestic violence and help survivors recover.

On November 6, media reported an appeals court confirmed a Bijelo Polje High Court's ruling that sentenced a rapist to only six months in prison. Despite the plaintiff's accusations that the defendant beat her over the head and used violence to coerce her into sex, the defendant received a lenient sentence due to his claims he was in a romantic relationship with the victim for five years before it soured and that the victim made up the allegations due to recent disagreements. Although the trial court had initially freed the rapist, the appeals court sent the case back down for a retrial, at which time he received the six-month sentence.

Other Harmful Traditional Practices: Child marriage continued to be a problem in Romani communities (see Early and Forced Marriage subsection under Children, below). Although illegal, in many Romani communities, the practice of paying a

traditional “bride price” of several hundred to several thousand euros for girls and women to be sold into or purchased from families across the border in Kosovo or Albania led to concerns about trafficking in persons. The potential to be “remarried” existed, with some girls being sent back to their families, being resold, and the money then given to the former spouse’s family. These practices were rarely reported, and police rarely intervened, viewing the practices as “traditional.” These practices led to girls withdrawing from school at a rate much higher than boys, limiting their literacy and ability to provide for themselves and their families, essentially trapping them in these situations.

In August police filed criminal charges for human trafficking against a 40-year-old individual from Podgorica who allegedly contracted an international marriage for his 12-year-old daughter in exchange for 5,000 euros (\$5,500). This indictment was initiated by a new multi-institutional Human Trafficking Task Force that was formed in December 2018.

Sexual Harassment: Sexual harassment is not defined as a crime under the law. According to the Center for Women’s Rights, sexual harassment, including street harassment, of women occurred often, but few women reported it. Public awareness of the problem remained low. Victims hesitated to report harassment in the workplace due to fears of employer reprisals and a lack of information about legal remedies. Stalking or predatory behavior with physical intimidation is punishable by law with a fine or up to three years’ imprisonment. A study of violence against women by the OSCE published during the year found that 31 percent of respondents reported they had been subject to sexual harassment after the age of 15, and 18 percent reported they had been harassed in the past 12 months. Some 43 percent of respondents also said they had been victims of psychological abuse at some point in their lives, and many had issues with domestic violence throughout both their childhood and adult lives.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men. All property acquired during marriage is joint property. The government enforced these laws somewhat effectively. The NGO SOS noted, however, that women often experienced difficulty in defending their property rights in divorce proceedings due to the widespread public belief that property belongs to the man. Sometimes women ceded their inherited property and inheritance rights to male relatives due to tradition and pressure from their

families. Men consequently tended to be favored in the distribution of property ownership, sometimes limiting a woman's options in the cases of domestic violence or divorce.

The Department for Gender Equality worked to inform women of their rights, and parliament has a committee on gender equality. The government adopted a 2017-21 strategy on gender equality.

According to Roma rights NGOs, one-half of Romani women between the ages of 15 and 24 were illiterate. Romani women often noted they faced double discrimination based on their gender and ethnicity.

Gender-biased Sex Selection: Although illegal, medical professionals noted that gender-biased sex selection took place, resulting in a boy-to-girl ratio at birth of 108:100. The government did not actively address the problem.

Children

Birth Registration: Children derive citizenship from their parents and, under some circumstances, by birth in the country, through naturalization, or as otherwise specified by international treaties governing the acquisition of citizenship. Registration of birth, a responsibility of the parents, is required for a child to have the necessary documents to establish his or her citizenship. Births of all children in hospitals and medical institutions were registered automatically. The parents of Romani, Ashkali, and Balkan-Egyptian children not born in hospitals registered their births at much lower rates than other groups, mostly due to lack of awareness of the registration process or the parents' own lack of identification documents. It was difficult for the unregistered children of Romani and Balkan-Egyptian parents to access such government services as health care, social allowances, and education. Of the Romani and Balkan-Egyptian children in primary school, 10 percent were not registered.

Education: The law provides for free, compulsory elementary education for all children. Secondary education is free but not compulsory.

Child Abuse: Child abuse laws are covered by the 2017-21 strategy for the prevention and protection of children from domestic violence. Penalties range from a year in prison for violence without a weapon to 12 years for actions that result in the victim's death; however, severe penalties were rarely seen and short prison stays, suspended sentences, or even small fines were the norm.

In 2018 a multiple-indicator cluster survey carried out by the Statistical Office of Montenegro showed that the country had made no progress on domestic violence against children compared with the situation five years previously. According to the survey, approximately two-thirds of children between the ages of one and 14 had been exposed to at least one form of psychological or corporal punishment by their parents. Some 66 percent of the children surveyed had also experienced some form of physical punishment or psychological aggression by adult household members within the previous month, while 4 percent of the children had been subjected to severe physical punishment.

The Ministry of Health reported that every third child was subject to emotional abuse, while every fourth child was a victim of physical abuse. Many children, particularly high school students, were exposed to alcohol, drugs, and violence. The ombudsman noted that child sexual abuse victims were usually girls between the ages of 14 and 16. The abusers were mostly close relatives of the children, and abuse usually occurred at home. The very low number of reported cases of sexual violence against children raised concerns about identification of victims.

Authorities prosecuted child abuse when they had cases with enough evidence, and the government worked to raise public awareness of the importance of reporting cases. Facilities and psychotherapy assistance for children who suffered from family violence were inadequate, and there were no marital or family counseling centers. Authorities sometimes placed juvenile victims of domestic violence in the children's correctional facility in Ljubovic or in the orphanage in Bijela.

Early and Forced Marriage: The minimum legal age for marriage is 18 in most cases, but persons as young as 16 may marry with the consent of the court or a parent. Punishment for arranging forced marriages ranges from six months to five years in prison, but convictions were rare, generally owing to a lack of evidence or poor understanding of the law. In the first nine months of the year, there was only a single conviction for attempted forced marriage.

Child marriage was a serious problem in the Romani and Balkan-Egyptian communities. According to a 2018 UNICEF report, 56 percent of Romani women were married before the age of 18, while 36 percent had a live birth before the age of 18. There were reports of girls as young as 12 being sold into "traditional" marriages without their consent or input. These marriages generally did not meet the criteria necessary for legal, documented marriages. As such, they were difficult to track and regulate, regardless of legality.

The custom of buying or selling virgin brides continued in the Romani, Ashkali, and Balkan-Egyptian communities. Brides found not to be virgins prior to marriage faced severe repercussions, including violence, from the groom's family, their family, and the community at large.

The government implemented some measures to prevent underage marriage, including enforcing mandatory school education.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, and offering or procuring for prostitution, and the country partially enforced the law. The age of sexual consent is 18. There is a statutory rape law. Sexual activity with a juvenile carries a prison sentence of up to three years. Paying a juvenile for sexual activity carries a prison term of three months to five years. Authorities may fine or imprison for one to 10 years any person found guilty of inducing a minor into prostitution.

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community was approximately 500 individuals. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. The government was implementing the *Strategy for Integration of Persons with Disabilities 2016-2020*, but NGOs claimed it did not do so effectively. During the year a network of 10 NGOs that worked with persons with disabilities continued to coordinate and monitor implementation of the government's strategy. The NGO Youth with Disabilities stated the biggest problem was that the state did not have a register of persons with disabilities, as was envisaged under the strategy, because the Ministry of Labor and Social Welfare and the Ministry of Health could not agree who would be in charge of the register.

Authorities generally enforced the requirement that new public buildings be accessible to persons with disabilities, but most public facilities, including buildings and public transportation, were older and lacked access. Although election laws specifically require accessible polling places, most polling stations remained inaccessible. Some recent renovations of existing government buildings took accessibility into account, such as the beginning of construction on a central elevator at the Ministry of Foreign Affairs. The plan was only at its initial stages, however, and had yet to see through a completely accessible building.

Despite legal protections, persons with disabilities often hesitated to bring legal proceedings against persons or institutions seen to be violating their rights. Observers ascribed this reluctance to the adverse outcomes of previous court cases or, according to the ombudsman, to insufficient public awareness of human rights and protection mechanisms relating to disabilities. Several discrimination cases that the NGO Association of Youth with Disabilities initiated against the Kotor Basic Court and Kotor Social Center, the Podgorica municipality, and social centers in Podgorica, Tivat, and Budva continued throughout the year.

The Council for Care of Persons with Disabilities, chaired by the minister of labor and social welfare, has responsibility for policies protecting the rights of persons with disabilities. It consists of the Ministries of Health; Labor and Social Welfare; Education; Sports; Finance; Justice; Human and Minority Rights; Sustainable Development and Tourism, as well as the Secretariat for Legislation, the State Employment Agency, and five NGOs, all of which provided assistance and protection within their respective spheres throughout the year.

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

or guardians of persons with disabilities to work half time, but employers did not respect this right.

The government made efforts to enable children with disabilities to attend schools and universities, but the quality of the education they received and the facilities to accommodate them remained inadequate at all levels. NGOs also stated that supported-living assistance at home and similar services were not provided to families and parents of children with disabilities.

Persons with disabilities were often institutionalized or encouraged towards institutions, which perpetuated stigmatization. Persons with physical disabilities had difficulty obtaining high-quality medical devices to facilitate their mobility through health and social insurance.

National/Racial/Ethnic Minorities

Roma, Ashkali, and Balkan-Egyptians remained the most vulnerable victims of discrimination, mainly as a result of prejudice and limited access to social services due to a lack of required documentation. The law on citizenship and its accompanying regulations makes obtaining citizenship difficult for persons without personal identity documents or those born outside of a hospital. Access to health-care services, including childbirth, remained challenging for members of these communities due to their lack of medical care cards.

According to the Roma Education Fund, the poverty rate among Roma, Ashkali, and Balkan-Egyptians was 36 percent compared with a rate of 11 percent for the general population. Many Roma, Ashkali, and Balkan-Egyptians lived in illegal squatter settlements that often lacked services such as public utilities, medical care, and sewage disposal. The NGO Young Roma stated, however, that one of the biggest problems of the Romani community living in illegal squatter settlements was the risk of eviction. The Ministry of Human and Minority Rights stated that the government continued to provide housing for marginalized groups, including Roma.

The government's implementation of its *Strategy for Social Inclusion of Roma and Balkan-Egyptians 2016-2020* resulted in some improvement in the number of Romani children attending school, access to health care, and access to housing.

Albanians and Bosniaks in the southern and northeastern parts of the country frequently complained about central government discrimination and economic

neglect. Ethnic Serb politicians claimed that the government discriminated against the Serbian national identity, language, and religion.

Two persons accused of beating Igor Tomkic, a Croat from Berane, were sentenced to prison. The basic court in Berane sentenced one perpetrator to a year and nine months' and the second to a year and seven months' Imprisonment. Some time prior to the attack, Tomkic's house was set on fire. Prime Minister Dusko Markovic characterized the attacks on the Tomkic family as attacks on the country and the values it cherishes, adding that the family was the target of organized attacks, based on nationality. The NGO Human Rights Action also condemned the attacks, similarly concluding that they were likely motivated by Tomkic's nationality.

Government-supported national councils for Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma represented the interests of those ethnic minorities. NGOs, legal observers, and media continued to accuse the government of misappropriating money from a fund established to finance the national councils.

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

The law forbids incitement to hatred based on sexual orientation and prohibits discrimination against individuals on the basis of sexual orientation or gender identity. The presence of an anti-LGBTI bias motive is an aggravating circumstance when prosecuting hate crimes.

There was one reported physical attack against an LGBTI individual in August, when three men attacked a transgender person in Kolasin. Police arrested the perpetrators, and they were in pretrial detention. The victim believed the attack was motivated by his gender identity. The NGO LGBT Forum Progress stated the prosecutor in this case only charged the perpetrators with violent behavior, but the NGO was preparing to ask the court for the case to be prosecuted as a hate crime. LGBTI NGOs stated transgender persons were susceptible to the most severe violence. The NGO Queer Montenegro reported a person was convicted during the year for violent behavior with elements of a hate crime for attacking a transgender person in 2017. The NGO considered this prosecution a positive development.

During the year, the NGO LGBT Forum Progress submitted more than 100 complaints (to police) of discrimination, hate speech, and verbal abuse online

(social media comments), including against some members of parliament, asking that charges be pressed.

In January the Supreme Court annulled the October 2018 decision of the Constitutional Court that prohibiting the gathering of the LGBTI community in Niksic in 2015 violated the right to peaceful assembly of members of the organizations LGBT Forum Progress and Hiperion. The Supreme Court returned the case to the Administrative Court for reconsideration.

A February public opinion poll conducted by the NGO Center for Civic Education showed an increase in tolerance and a more positive stance towards the LGBTI community in the country as compared with results of a similar poll in 2016. The study showed, for example, that the percentage of citizens who would support pride parades increased to 53 percent from 36 percent in 2016. Notably, the vast majority of respondents--81 percent, stated that should they witness violence against LGBTI members, they would help based on their belief that no one should be a victim due to sexual differences.

Every police station had an officer whose duties included monitoring observance of the rights of LGBTI persons. During the year a “team of confidence” between police and LGBTI NGOs continued working to improve communication between police and the community.

During the year the government adopted the *National Strategy for the Improvement of the Quality of Life of LGBTI Persons in Montenegro 2019-2023* and the Ministry of Human and Minority rights formed a national team to coordinate monitoring its implementation.

HIV and AIDS Social Stigma

Juventas and the Montenegrin HIV Foundation stated persons with HIV/AIDS were stigmatized and experienced discrimination, although most discrimination was undocumented. Observers believed fear of discrimination, societal taboos relating to sex, and the lack of privacy of medical records prevented many persons from seeking testing for HIV. NGOs reported patients often faced discrimination by medical personnel and received inadequate treatment. There was no official response to the claims.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The government generally enforced the law. Penalties were sufficient to deter most violations.

While the government generally respected freedom of association, employers often intimidated workers engaged in union activity. Workers exercised their right to join unions and engage in collective bargaining, although not always without employer interference.

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

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

Management and local authorities often blocked attempts to organize strikes by declaring them illegal, citing lack of legally required advance notice, which ranges from two to 10 days, depending on circumstances. There were reports from employees in both the private and public sectors that employers threatened or otherwise intimidated workers who engaged in union organizing or in other legal union activities. In some cases, private employers reduced workers' salaries or dismissed them because of their union activities.

Workers in privatized or bankrupt companies had outstanding claims for back pay and severance. In some cases workers were not able to collect on their claims, despite valid court decisions in their favor. Several local governments failed to pay their staff for months at a time. Unpaid wages, factory closures, and growing poverty led to some protests in older industrial cities such as Berane and Niksic, as well as the capital, Podgorica, where the workers of the long-closed Radoje Dakic factory again protested for unpaid wages nearly two decades after the factory's closure. Trade unions claimed workers were largely unaware of their rights and afraid of retaliation if they initiated complaints.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and authorities made efforts to investigate or identify victims of forced labor in the formal economy. Penalties under the law for offenses related to forced labor were sufficiently stringent to deter violations compared to penalties for other serious crimes.

There were reports of Romani girls forced into domestic servitude and of children forced to beg, mostly by their families (see section 7.c.). There were no prosecutions or convictions.

Also see the State Department's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The official minimum age for employment is 15. Children younger than 18 may not engage in jobs that require difficult physical labor; overtime; work at night, underground, or underwater work; or work that "may have a harmful effect or involve increased risk to their health and lives," although the law allows employees between the ages of 15 and 18 to work at night in certain circumstances. The government generally enforced these restrictions in the formal, but not the informal, economy.

Penalties under the law were sufficient to deter violations. The Labor Inspectorate investigated compliance with the child labor law only as part of a general labor inspection regime. The government did not collect data specifically on child labor.

Many parents and relatives forced Romani, Ashkali, and Balkan-Egyptian children to work at an early age to contribute to their family's income. They engaged in begging at busy intersections, on street corners, door to door, and in restaurants and cafes or in sifting through trashcans. While many working children were from the country, a large percentage of those between the ages of seven and 16 were from nearby countries, mainly Kosovo and Serbia. Police generally returned the children they apprehended to their families.

In villages, children usually worked in family businesses and agriculture. Romani, Ashkali, and Balkan-Egyptian children worked chiefly during the summer, typically washing car windows, loading trucks, collecting items such as scrap metal, selling old newspapers and car accessories, or working alongside their parents as day laborers. Many internally displaced Romani, Ashkali, and Balkan-Egyptian children were forced to engage in begging or manual labor. Police asserted that begging was a family practice rather than an organized, large-scale activity, but this claim was disputed by several NGOs. Begging was readily observable, particularly in Podgorica and the coastal areas during the summer. Police seldom pressed charges against the adult perpetrators. Authorities placed victims of forced child labor who did not have guardians in the children's correctional facility in Ljubovic. After leaving the facility, most children returned to forced begging. Romani NGOs tried to raise awareness of the problem and suggested the government did not provide sufficient resources to rehabilitate children begging and living on the street.

Children were subjected to commercial sexual exploitation (see section 6, Children, and section 7.b.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, color, sex, religion, political opinion or other affiliation, national origin, citizenship, disability, sexual orientation, gender identity, age, language, pregnancy, marital status, social status or origin, membership in political and trade union organizations, or health conditions, including HIV-positive status and other communicable diseases. The government did not enforce antidiscrimination laws and regulations effectively, and there were instances of discrimination on these bases. Persons with disabilities faced significant discrimination in employment despite affirmative action programs

that provided significant financial incentives to employers to hire persons with disabilities. According to the state employment agency, less than 2 percent of persons with disabilities were employed. Advocates noted there were too few training programs for persons with disabilities to contribute significantly to their economic integration. Neither governmental entities nor private employers hired many persons with disabilities. NGOs reported employers often chose to pay fines rather than employ a person with a disability.

Women were, at times, subject to discrimination based on their marital status, pregnancy, or physical appearance. Employers did not respect all of their legal obligations to pregnant women and sometimes reduced their responsibilities or fired them after they returned from maternity leave. A disproportionate share of women held jobs with lower levels of responsibility than men. Employers promoted women less frequently than men. Some job announcements for women explicitly included discriminatory employment criteria, such as age and physical appearance. Employers at times violated women's entitlement to a 40-hour workweek, overtime, paid leave, and maternity leave. Societal expectations regarding women's obligations to the family reduced their opportunities to obtain jobs and advance in the workplace. Nevertheless, an increasing number of women served in professional fields, such as law, science, and medicine. Women accounted for less than 9 percent of personnel in the armed forces and National Police Force.

Bosniaks, who accounted for 9 percent of the country's population, constituted 6 percent of the government workforce. Roma, displaced persons, refugees, and migrant workers faced employment discrimination. Migrant workers usually came from Serbia, Bosnia and Herzegovina, Macedonia, or Albania to work on construction sites and in agriculture. There were also instances of discrimination against unregistered domestic and foreign workers.

e. Acceptable Conditions of Work

According to the National Statistics Office, the national monthly minimum wage, was slightly above the government's absolute poverty line. Significant portions of the workforce--particularly in rural areas and in the informal sector--earned less than the minimum wage.

The law limits overtime to 10 hours per week, but seasonal workers often worked much longer.

Many workers, particularly women employed in the commercial, catering, and service industries, worked unpaid overtime, and employers sometimes forced them to work on religious holidays without additional compensation or to forgo their rights to weekly and annual leave. Employers sometimes failed to pay the minimum wage, other employee benefits, or mandatory contributions to pension funds. Employees often did not report such violations due to fear of retaliation. The practice of only formally paying a worker the minimum wage, thus being responsible for lower mandatory contributions, and giving the employee cash payments as a supplement was common. Also common was the practice of signing short-term work contracts or having lengthy “trial” periods for workers instead of signing them on to permanent contracts as prescribed by law.

Administrative and judicial procedures were subject to lengthy delays and appeals, sometimes taking years. This led to an increase in the number of persons seeking recourse through alternative dispute resolution. Most disputes reviewed by the Agency for Peaceful Resolution of Labor Disputes involved accusations of government institutions violating laws on overtime, night work, holidays, social insurance contribution requirements, and other administrative regulations.

The government set occupational health and safety standards that were current and appropriate for the main industries. Regulations require employers and supervisors to supply and enforce the use of safety equipment, conduct risk assessment analysis, and report any workplace deaths or serious injuries within 24 hours.

The Labor Inspectorate is responsible for enforcing wage, hour, and occupational health and safety laws. The number of labor inspectors was sufficient to enforce compliance in the formal economy. Resources, remediation efforts, and investigations were not adequate to successfully identify, enforce, or prevent violations in the informal economy. Penalties for violation of wage and hour rules were insufficient to deter violations. Penalties for violations of occupational health and safety standards were generally a sufficient deterrent in the formal sector. Labor inspectors have the legal authority to close an establishment until it corrects violations or to fine owners who commit repeated violations, although they rarely exercised this right in practice.

Employment in the construction, energy, wood-processing, transportation, and heavy industries presented the highest risk of injury. The most frequent reasons cited for unsafe working conditions were the lenient fines for violations of safety rules, failure to use safety equipment, lack of work-related information and

training, inadequate medical care for workers, and old or inadequately maintained equipment.