

# MONTENEGRO 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic with a multiparty political system. Voters choose both the president and the unicameral parliament through popular elections. The president nominates, and the parliament approves, the prime minister. The observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated that the 2016 parliamentary elections were conducted in a competitive environment and 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. On April 15, Milo Djukanovic, president of the Democratic Party of Socialists, was elected president of the country, winning approximately 54 percent of the vote in the first round. This is his second term as president, having additionally served six terms as prime minister. The OSCE/ODIHR, the European Parliament delegation, and the Council of Europe's Parliamentary Assembly noted the April 15 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.

Civilian authorities maintained effective control over the security forces.

Human rights issues included corruption; trafficking in persons; attacks on journalists; and crimes involving violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Impunity remained a problem, since the government did not 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.

Through August, there were nine deaths and 12 attempted homicides related to organized crime. The government historically performed poorly in prosecuting organized crime-related killings, but in the last year it increased prosecution of homicides linked to organized crime.

### **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, with some based on LGBTI identity, 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.

In March the Podgorica Basic Court sentenced Special Antiterrorist Unit (SAJ) members Boro Grgurovic and Goran Zejak to one year and five months in prison, respectively, for torturing and inflicting serious beating injuries on Milorad Martinovic after Martinovic allegedly attempted to run down police officers with his vehicle at an opposition parties' protest in Podgorica in 2015.

### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were some poor conditions in prisons and pretrial detention facilities, but overall there were no major concerns. However, the National Preventive Mechanism within the Ombudsman Office issued recommendations to the government to improve facilities in line with international and domestic legal standards. 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.

Podgorica prison was still not fully accessible to persons with disabilities.

Administration: Authorities often 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 the 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. The Ministry of Justice reported building a juvenile prison as a separate building unit within the Institution for Execution of Criminal Sanctions in Spuz. The ministry also renovated a prison kitchen, library, and a room for visits at the women's prison. The NGO Civic Alliance noted in a July report that health-care services at the Institution for Execution of Criminal Sanctions continued to improve.

#### **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, and the government usually observed these requirements.

#### **Role of the Police and Security Apparatus**

The National Police Force, which includes Border Police, is responsible for maintaining law and order. It operates under the supervision of the Ministry of the Interior and is generally effective. The Agency for National Security (ANB) is responsible for intelligence and counterintelligence activities.

Civilian authorities reported they maintained effective control over the National Police Force and the ANB. However, impunity remained a problem in the security forces, according to the NGO 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.

On July 30, the government appointed Veselin Veljovic as the new chief of the Police Directorate with parliament's consent. Media reported that Veljovic was investigated for a number of scandals involving corruption, politically motivated police attacks, and electoral malfeasance, but prosecutors never brought formal charges against him.

Human rights observers continued to express concern over the low number of prosecutions of security force personnel accused of human rights abuses. In the first six months of the year, the Police Unit received and investigated 16 complaints against police conduct, of which four were upheld. 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.

The government provided training to police and security forces aimed at reducing abuse and corruption, and promoting respect for human rights.

### **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, there were financial constraints on the government's provision of such assistance. NGOs also questioned the quality of legal 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. Usually this practice neither involved holding suspects longer than the six hours allowed by the law nor typically resulted 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. This included the election of a Special State Prosecutor, who opened several high-level corruption cases, including a case for abuse of office against former Podgorica mayor Miomir Mugosa, whose trial started on May 29. 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 detained persons 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. Defendants have the right to free interpretation from the moment charged through all appeals. Defendants have the right 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 perceived 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 abuses, 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 that 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. According to representatives for the Jewish community, there were no claims for restitution regarding Holocaust-era properties from the country's Jewish population.

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. According to the World Jewish Restitution Organization, the government has not returned two houses in Montenegro purchased by the women's organization of the Jewish community in Belgrade prior to World War II. The properties were used as a summer resort. The Jewish Community in Belgrade and the Federation of Jewish Communities in Serbia (SAVEZ) continued to seek restitution of these properties.

A large number of restitution claims for private and religious properties confiscated during the communist era remained unresolved. Both private individuals and organizations 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 ANB 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. However, human rights activists, such as the NGO MANS, continued to claim that authorities engaged in illegal wiretapping and surveillance, but 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.

Press and Media Freedom: 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 blame unfair media conditions, economic pressure from the government, and selective prosecution for its difficulties in making regular tax payments. On April 25, the Commercial Court rejected a 2014 lawsuit brought by *Vijesti*'s parent company, Daily Press, against the progovernment tabloid Pink M Television for allegedly discrediting *Vijesti*'s reputation.

Violence and Harassment: Attacks directed at journalists continued to be a serious problem.

On May 8, an unknown assailant shot and wounded investigative journalist Olivera Lakic of the daily *Vijesti* in front of her home in Podgorica. Lakic, whose reporting covered crime and corruption in the country, was previously attacked in 2012 for her reporting. Government officials, political parties, and international and multilateral organizations condemned the attack. On May 9, journalists, citizens, and civic activists rallied to demand that authorities stop violence against journalists. Also on May 9, in an interview with Radio Danilovgrad, then president-elect Milo Djukanovic condemned the assault on Lakic, but drew heavy criticism for stating, "There is no difference if somebody from a narcotics-trafficking clan or from the media draws a target on their opponents."

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 June 7, the managing council of the public broadcaster Radio Televizija Crna Gora (RTCG) dismissed the RTCG's director general, Andrijana Kadija. Six representatives of the nine-member council voted for Kadija's dismissal. All six were affiliated with the ruling Democratic Party of Socialists (DPS). In its decision, the council said the RTCG improperly ceded editorial control to a NGO for an EU-funded project. Kadija denied that the EU-funded grant hampered the editorial independence of the RTCG and asserted her only fault was her apolitical stance and commitment to shield the RTCG from political control.

The EU and the OSCE sharply criticized Kadija's dismissal. Independent journalists, civil society activists, and opposition politicians asserted that Kadija's dismissal was the final step in the DPS's campaign to regain control of the public broadcaster. That campaign, they said, began late in 2017 when parliament dismissed two RTCG council members, film director Nikola Vukcevic and NGO activist Goran Djurovic, because of alleged conflicts of interest. Both Vukcevic and Djurovic denied the allegations. Parliament later appointed two DPS-affiliated members, Slobodan Pajovic and Goran Sekulovic, as their replacements. On November 30, the RTCG managing council elected Bozidar Sundic, who also had strong DPS ties, as its new director general.

Additionally, in December 2017 parliament dismissed another NGO representative, Darko Ivanovic, from the managing council of the Agency for Electronic Media (AEM), citing an alleged illegal conflict of interest. Ivanovic denied the accusation and claimed he was dismissed because he had advocated punitive measures against the progovernment tabloid television station PinkM, which the AEM had cited on numerous occasions for violations of the agency's program principles and standards.

In its 2018 *Report on Montenegro*, the European Commission (EC) noted that the country made no progress in advancing freedom of expression since November 2016. 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. However, a lack of training and unprofessional journalistic behavior, combined with low salaries and political pressure, contributed at times to biased coverage.

Libel/Slander Laws: There is no criminal libel law, but media outlets faced libel charges in civil proceedings. During the year the AEM issued nine warnings to Pink M for "violating program principles and standards." Some civil society representatives urged the AEM to take more severe disciplinary measures against the broadcaster.

## **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. However, MANS did complain of government surveillance of their communications.

According to the International Telecommunication Union, an estimated 71 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

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

## **b. Freedoms of Peaceful Assembly and Association**

### **Freedom of Peaceful Assembly**

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

Police asserted that they prohibited gatherings that would disturb public peace and order and interfere with traffic. In some cases, authorities offered protesters alternate locations for demonstrations. In a few cases, when protesters assembled without authorization or failed to obey police orders to disperse, police detained them for questioning and charged them with misdemeanors.

### **Freedom of Association**

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

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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.

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

### **Internally Displaced Persons (IDPs)**

The Ministry of Interior significantly reduced the number of pending applications for resolving residency status in the country. As of September a total of 15,131 displaced persons (DPs) had applied to resolve their residency status. While authorities completed 14,828 of those requests, 303 were still pending. Of those completed, 12,242 received permanent or temporary resident status.

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 UNHCR and OSCE support, the government, together with the government of Kosovo, continued to assist displaced Romani persons and Balkan Egyptians in obtaining personal identification documents under the Montenegro-Kosovo agreement on late registration of births of persons born outside the hospital system. The process 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, many remained vulnerable and in need of assistance.

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. During the year, the construction or purchase of apartments progressed well through eight projects which were in different stages of implementation.

A number of 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. Approximately 600 Roma from Kosovo remained split between a settlement in Berane and a container camp in Podgorica, while approximately 250 displaced Serbs continued to live in substandard collective housing in Berane. The government and international donors continued to assist camp residents while constructing multiple apartment buildings under the Regional Housing Program.

To assist both refugees 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 and refugee population by virtue of their size, time in country, and access to resources. Romani DPs 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 same rights as citizens, with the exception of the right to vote, IDP's 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.

The government continued to encourage DPs and IDPs to return to their places of origin, but repatriation slowed to a trickle due to the preference of many IDPs and DPs to remain in the country due to fear of reprisals in their countries of origin or a lack of resources. The availability of housing solutions in the country through the Regional Housing Program also affected the interest in returning. During the first eight months of 2017, only 53 IDPs voluntarily returned to Kosovo and Serbia.

## **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. The government allows individuals to apply for asylum within a few days of entering the country. However, those caught illegally crossing the border who do not apply for asylum are placed into a detention center for criminal

processing and deported. In January parliament adopted the Law on International Assistance and Temporary Protection of Foreigners, under which the Ministry of Interior took over management of the asylum center in Spuz, thus centralizing the main functions of the asylum system (i.e., initial determination of international protection and reception of services).

Unlike 2017, when 90 percent of asylum seekers were men, the year saw a substantial increase in the number of families applying for asylum. The government made efforts to strengthen its capacity to cope with sudden or large influxes of migrants by improving reception capacity. In July, in collaboration with the Ministry of Interior, UNHCR set up four refugee housing units at asylum centers to accommodate additional asylum seekers. The government has a contingency plan in place to ensure preparedness in case of a mass influx, but it was under revision at year's end. On August 16, the government deployed the army to the Bozaj border crossing area of the border with Albania to prevent irregular entry into the country.

Of 2,346 asylum applications, 2,079 interviews were scheduled, and 44 were held. 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 Montenegrin boarder during the year. The Ministry of Interior confirmed it attempted to deter migrants from entering by using patrols and noted that young men who saw the patrols often lost their nerve and went back to the other side of the border from which they had come.

Access to Basic Services: Once the asylum procedure is initiated, asylum seekers are granted access to free health care and education services in line with international standards, although barriers, including language and cultural differences, sometimes limited practical access.

In April, UNHCR and the Red Cross opened a community center near the asylum center to provide information, psychosocial support, counselling, legal support, language classes, and sports activities.

Durable Solutions: A path to citizenship was 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 refugees 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.

Under the new Law on International Assistance and Temporary Protection of Foreigners, the integration of refugees and persons who receive subsidiary protection remains under the purview of the Ministry of Labor and Social Welfare.

### **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. In its final report on June 28, the OSCE/ODIHR observation mission noted that, although the candidate nominated by the governing party held an institutional advantage, fundamental freedoms were respected. Candidates campaigned freely and the 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.

In 2016 the special prosecutor stated that law enforcement authorities prevented an attempted attack on the government on the October 16 election day. The special prosecutor accused 14 persons, including the leaders of the opposition coalition Democratic Front (DF), Andrija Mandic and Milan Knezevic, of attempting to overthrow the government violently in order to proclaim electoral victory for the DF and prevent the country from joining the NATO alliance. Parliament voted to strip Mandic and Knezevic's parliamentary immunity, and both were subsequently indicted for this crime. The case continued during the year.

Twelve opposition members of parliament disputing the results of the 2016 parliamentary elections continued to boycott parliament.

Political Parties and Political Participation: Nebojsa Medojevic, one of the leaders of the pro-Russian opposition DF alliance, together with 11 others, began trial for alleged money laundering linked to DF financing during the 2016 elections. Two other DF leaders, Andrija Mandic and Milan Knezevic, and 12 others were also

standing trial on separate charges of involvement in an alleged coup plot during the 2016 elections. The DF accused the prosecutor's office of acting under the influence of the ruling DPS party and bringing false charges against the DF.

Participation of Women and Minorities: No laws formally limit the participation of women or minorities in the political process, and they did participate. All minority groups had representatives in the parliament except the Roma, Ashkali, and Balkan Egyptians, who remained unrepresented in spite of a law that provides representation to minority groups that win less than 3 percent of the vote or constitute less than 15 percent of the population. 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. However, there were no political representatives of the 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 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 Prevention of Corruption continued to operate, but NGOs and the EC criticized its lack of independence and priorities.

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. In one example, a case was brought against former Podgorica mayor, Miomir Mugosa, who, according to his indictment, enabled the illegal selling of underpriced municipal land to a private company, Carine, without a tender procedure, costing the government seven million euros (eight million dollars).

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

Financial Disclosure: The law requires government officials to report any increases in value of personal property of more than 5,000 euros (\$5,750) or any gift exceeding 50 euros (\$58) to the Agency for the Prevention of Corruption. 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. However, in the first six months of the year, the agency filed 320 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; 56 of these proceedings resulted in fines that amounted to 15,250 euros (\$17,500).

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to the views of international groups, but some domestic NGOs assessed cooperation as uneven. The Council for Cooperation with NGOs held its constitutive session on October 1.

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 (\$575 to \$2,875). 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 criticized the Ministry of Human and Minority Rights for passivity.

## **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. Actual sentences were generally lenient, the average being 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 so, sentences were lenient. Lengthy trials, economic dependency, and a lack of alternative places to live often forced victims and perpetrators to continue to live together.

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.

Within the Romani communities, domestic violence was a serious problem. In a UNHCR report during the year, over half of Romani men and women surveyed

agreed with the statement, “A man has the right to beat his wife in certain instances.” As a corollary, only 3 percent of the general population agreed with this statement.

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 an operative team for domestic violence was formed, composed of representatives of the Ministry of Interior, the Ministry of Labor and Social Welfare, the Ministry of Health, State Prosecution, the Supreme Court, the Higher Court, the Organization for the Civic Control of Police, and six NGOs.

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.

Other Harmful Traditional Practices: 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 also led to girls being pulled out of 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.

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 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.

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 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, but this practice continued to decline. A consequence of these factors was that men tended to be favored in the distribution of property ownership.

The Department for Gender Equality worked to inform women of their rights, and the parliament has a committee on gender equality. The government adopted the 2017-2021 strategy on gender equality.

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.

Gender-biased Sex Selection: Although it is 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 2017-2021 strategy for the prevention and protection of children from domestic violence. 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 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.

Child marriage was a serious problem, particularly in the Romani and Balkan-Egyptian communities. According to a 2018 UNICEF report, 56.4 percent of Romani women were married before the age of 18, and 36 percent had a live birth before the age of 18. Of girls, 18.2 percent said they were married before the age of 15. For boys, nearly 35 percent were married before age 18, 6.5 percent of whom were before age 15. Of persons aged 15 to 19, 28 percent of girls and 16 percent of boys were married. There were reports of girls as young as 13 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. The country partially enforced the law, omitting “traditional” practices of selling children into forced marriage as a concern in some Romani communities. 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.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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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 that it did not do so effectively. During the year, 10 NGOs that worked with persons with disabilities formed a network to coordinate and monitor implementation of the government’s strategy better.

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, the majority of polling stations remained inaccessible.

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. The NGO Association of Youth with Disabilities initiated several discrimination cases against the Kotor Basic Court and Kotor Social Center this year while court processes against the national parliament, the Podgorica municipality, and social centers in Podgorica, Tivat, and Budva continued.

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 provided assistance and protection within their respective spheres. Together, they constituted the Council for Care of Persons with Disabilities, chaired by the minister of labor and social welfare with the responsibility for policies protecting the rights of persons with disabilities.

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 generally 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 due to prejudice and limited access to social services. Lack of required documentation often limited their access to services. The law relating to citizenship and its accompanying regulations makes obtaining citizenship difficult for persons without personal identity documents or those born outside of a hospital. For example, access to health-care services remained difficult for members of these communities due to their lack of medical care cards. The government adopted the *Strategy for Social Inclusion of Roma and Balkan Egyptians 2016-2020*, which, as implemented, resulted in some improvements in the number of Romani children attending school, access to health care, and access to housing.

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.

Albanians and Bosniaks in the southern and northern 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.

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

### **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. Anti-LGBTI bias motive is an aggravating circumstance when prosecuting hate crimes.

The NGO Queer Montenegro reported four physical attacks against LGBTI individuals in the first nine months of the year. LGBTI NGOs stated that most of these cases were prosecuted as disorderly conduct and not as hate crimes. They also reported that transgender persons were susceptible to the most severe violence. Queer Montenegro reported an attack against a transgender person in September 2017 that was being prosecuted as a hate crime. The NGO considered this a positive development that should be standard practice, not an exception.

LGBTI advocates reported that young persons perpetrated 80 percent of the violent crimes against members of the LGBTI community. Hostile individuals used social media and LGBTI dating sites to attack and bully known and suspected LGBTI persons anonymously. In the first five months of the year, the NGO LGBT Forum Progress reported to police 78 persons for hate speech and incitement to violence targeting LGBTI persons on the internet. They also submitted reports to police against two politicians and some high-ranking religious leaders for anti-LGBTI statements.

Negative public perception of LGBTI persons led many to conceal their sexual orientation, although there was a trend toward greater visibility as LGBTI persons came out to their families and colleagues. In 2017, the last year for which data was available, the Ombudsman's Office received three reports of discrimination based on sexual orientation, the same as in 2016. There were also reports of beatings, with some based on LGBTI identity, in prisons and detention centers across the country.

On October 29, the Constitutional Court found in favor of a complaint registered on behalf of LGBTI groups following a 2015 police ban on holding a pride parade in Niksic, reversing a 2016 Supreme Court ruling. The Constitutional Court found that the police decision to ban the pride parade in that town for security reasons had violated the rights of organizers to peaceful assembly and that the state failed to provide adequate protection for an event legally registered with police. NGO representatives assessed the Constitutional Court's ruling as an encouraging message to the LGBTI community and public that the rights of all citizens must be respected.

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.

## **HIV and AIDS Social Stigma**

Juventas and the Montenegrin HIV Foundation stated that persons with HIV/AIDS were stigmatized and experienced discrimination, although most discrimination was undocumented. Observers believed that fear of discrimination, societal taboos relating to sex, and the lack of privacy of medical records prevented many persons from seeking testing for HIV. NGOs reported that patients often faced discrimination by medical personnel and received inadequate treatment. There has been no official response to these 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 as members at least 20 percent of the workforce in the enterprise. To act as a worker representative in a particular sector, group, or branch of industry, a trade union must include at least 15 percent of the total workforce in that sector, group, or branch. The law prohibits discrimination against union members or those seeking to organize a union and requires the reinstatement of workers dismissed for union activity.

The government generally enforced the law. Penalties for violations 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 large-scale strikes. Trade unions claimed that workers were largely unaware of their rights and afraid of retaliation if they initiated complaints.

### **b. Prohibition of Forced or Compulsory Labor**

The 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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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; or work that “may have a harmful effect or involve increased risk for 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 adequate 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. Apart from forced begging, in 2017 inspectors found 40 children between the ages of 15 and 18 working in the informal economy without proper employment contracts, mainly during the summer. The labor inspectors, however, did not report these violations of child labor laws and returned the children to their parents.

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 trash cans. 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. The ombudsman noted progress in the efforts of police and social centers to prevent begging.

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. 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 that the government did not provide sufficient resources to rehabilitate children begging and living on the street.

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/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, only 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 that 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 as judges as well as 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, and 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, 193 euros (\$222), 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.

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 consisted of minor fines and 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.

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.