

MONTENEGRO 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic with a multi-party political system. Voters chose both the president and the unicameral parliament through popular elections. The president nominates, and the parliament approves, the prime minister. In April 2013 the country held presidential elections, which the Organization for Security and Cooperation in Europe (OSCE), through a limited observer mission, described as professionally and efficiently administered. At the same time, the OSCE mission's final report noted a blurring of the lines between the state and the ruling Party of Democratic Socialists (DPS). Parliamentary elections took place in 2012. An OSCE limited mission characterized the conduct of the elections as a further step in line with the country's OSCE commitments, but it also referred to voting irregularities and state-party confluence that undermined popular confidence. With relatively close results and both candidates declaring victory on election night, the decision by the State Election Commission to delay the release of preliminary results caused public uncertainty and raised doubts among citizens about the integrity of the process.

Authorities maintained effective control over the security forces.

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

Other human rights problems included: mistreatment by law enforcement officers of persons in their custody; overcrowded and dilapidated conditions in prisons and pretrial detention facilities; the unresolved legal status of thousands of refugees from the Balkan conflicts of the 1990s; tensions between religious groups over property and status; domestic violence against women and children; gender-biased

sex selection; child marriage among Roma; and the continued marginalization of minority groups such as Albanians and Bosniaks. There were reports of employer infringement upon workers' rights, especially women of childbearing age.

The government took some steps to prosecute and punish relatively junior officials accused of corruption, abuse of office, or use of excessive force in the security services or elsewhere. Many observers nonetheless accused senior government officials of engaging in corruption and acting with impunity. Despite the uncovering by media and NGOs of scandals that appeared to be widespread, prosecutors did not bring charges against senior politicians or government officials.

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

a. Arbitrary or Unlawful Deprivation of Life

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

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

Authorities continued to pursue two war-crimes cases involving several individuals, primarily low- and mid-level police and military officers, for actions they allegedly took during the Balkan wars of 1991-99. The state compensated some victims of war crimes and their family members, while other settlements and payments awaited the completion of outstanding criminal proceedings.

The Podgorica-based NGO Human Rights Action strongly criticized judicial authorities for lenient sentencing in war crime cases and accused the courts of erroneous application of international humanitarian and domestic laws.

On April 23, the Court of Appeals upheld the Podgorica High Court's conviction of four former soldiers and reservists of the Yugoslav People's Army for war crimes committed in the Morinj prisoner-of-war camp in 1991 and 1992; their combined sentence was 12 years.

A UN working group that visited the country on June 30 noted that 72 persons from Montenegro remained missing from the wars in the former Yugoslavia.

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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

The constitution and law prohibit such practices, but there were reports that police at times beat and harassed suspects. Although the law prohibits police from using force to obtain evidence, there were several reports that police used such methods, and citizens occasionally complained of mistreatment.

On August 21, Nedjeljko Moracanin from Kolasin told the media that police officers Radojica Popovic and Mladen Boskovic beat him with batons while he was handcuffed to a chair. Interior Minister Rasko Konjevic immediately replaced the chiefs of police in Kolasin, Mileta Sukovic, and Vanja Miletic, and suspended the two officers. The suspended officers denied the charges and claimed that Moracanin attacked them first; Sukovic claimed that his replacement was politically motivated. The Department of Internal Police Control found that Popovic and Boskovic used excessive force.

Courts convicted a number of lower-ranking law enforcement officials of mistreating individuals in their custody. They included police officers Ivica Paunovic, Milan Kljajevic, and Milenko Lekovic, each of whom received three-month sentences for beating detainee Aleksandar Pejanovic in 2009.

On May 22, the Council of Europe's Committee for Prevention of Torture (CPT) released a report on its February 2013 visit to police stations and detention centers, where they interviewed individuals in custody. A number of persons alleged to the CPT that officers mistreated them during interrogation to extract a confession or obtain information. The committee found that in some cases the alleged mistreatment was so severe that it could amount to torture. The alleged mistreatment consisted mainly of slaps, punches, kicks, and blows with batons or other hard objects to various parts of the body.

The domestic NGO Civic Alliance stated that competent government institutions, primarily state prosecutors, failed to conduct timely and efficient investigations into alleged human rights violations by police officers. Nevertheless, there were reports and observations that authorities employed administrative measures to punish officers suspected of such behavior. In those instances authorities fired, suspended, or fined the officers.

By law the interior minister is solely responsible for disciplining police officers. During the first nine months of the year, the minister suspended 22 officers, fined 19, and proposed the dismissal of an additional 12 who were awaiting final adjudication. They included Goran Erakovic, former head of police in Ulcinj, and Dalibor Medenica and Milija Vlahovic, police officers from Bar who were convicted of excessive use of force in 2003 and 2004.

During the first seven months of the year, the Department for Internal Control of Police Operations (DICPO) received 52 complaints of police misconduct from citizens. DICPO accepted 13 of these for further investigation. DICPO also investigated three police officers accused of making false statements on required asset disclosure forms and referred all three cases to the prosecutor's office (see section 4).

Watchdog groups alleged that police continued the practice of filing countercharges against individuals who reported police abuse, exerting pressure on victims, discouraging citizens from reporting police misconduct, and influencing other police officers to cover up responsibility for committing violations.

Prison and Detention Center Conditions

Conditions in prisons and pretrial detention facilities were generally poor and dilapidated, with the pretrial detention center in Podgorica and some prison units severely overcrowded. The domestic NGO Civic Alliance described some police temporary holding facilities as failing to meet international standards, particularly regarding sanitation and safety. Visitors reported conditions that threatened health, and alleged guards occasionally mistreated inmates. Improvements in the physical facilities, staffing levels, and training for guards continued throughout the year.

Physical Conditions: Although the 1,083 persons held in the country's prison and pretrial detention centers in September did not exceed the facilities' design capacity of 1,100, the uneven distribution of inmates resulted in overcrowding in some facilities. Convicts accounted for 762 inmates, while detainees numbered

321. Facilities for women were of equivalent quality as those for men. There were 15 women in prisons and 13 in pretrial detention. There were two minors in prison and one in detention. Inmates had access to potable water and regular meals. Sanitation and medical care were substandard. On February 26, a delegation of government, parliamentary, and NGO representatives that visited the prison in Bijelo Polje reported overcrowding in cells and damp and musty walls.

During the first nine months of the year, authorities reported six inmate deaths, all from natural causes. Prison Director Miljan Perovic denied August 15 media reports that inmate Milos Kovacevic (age 29) died from beating, stating he died in a hospital of an acute disease. Eight prisoners and one detainee injured themselves under unknown circumstances. One detainee tried to commit suicide. The inadequacy of facilities for treating alcoholics and drug addicts led the Podgorica prison administration to place many such patients in the psychiatric hospital at Dobrota, which was poorly equipped to handle patients with extra security concerns.

Despite police denials that such conditions existed, local media reported inmates' complaints of deprivation of visitation rights. While convicts (but not detainees) have a legal right to conjugal visits, prisoners in Bijelo Polje were unable to avail themselves of this entitlement because the prison lacked the necessary facilities.

On March 26, the newspaper *Dan* reported that Ljubo Popovic, a senior guard at the Spuz prison, beat inmate Radomir Mijovic. The prison director categorically denied the report but acknowledged authorities had "disciplined" Mijovic after guards found a mobile phone in his cell.

On October 15, detainees Dusan Mugosa and Zivko Pejovic told the press through their lawyer that prison guards beat them on September 29 in a cell without video surveillance. Prison authorities concluded that the disciplinary measures the guards took against Mugosa and Pejovic, including placing them in solitary confinement for 30 days, did not violate the rules in light of the serious disciplinary offenses committed by the two detainees.

During the first nine months of the year, there were several hunger strikes, involving a total of eight detainees and 47 convicts.

By law prisoners with good behavior can become eligible to work in the prison after completing part of their sentence. The two prisons in Podgorica and Bijelo

Polje were the only ones to offer employment, and they did so to approximately one-half of their convicts; only inmates who worked were entitled to furloughs.

In the first nine months of the year, prison authorities disciplined nine guards for violating various work rules and protocols, compared with 16 in 2013.

Administration: The Ministry of Justice introduced a system of alternative sentences under which persons convicted of petty crimes could opt for “socially useful” work in lieu of a prison sentence. On July 16, the parliament adopted a law establishing a probation office to monitor parolees and participants in alternative sentencing. Approximately 40 prosecutors and judges completed training on alternative sentences. Since the passage of the law, two persons served their sentences in a public company instead of serving time in prison.

Police did not release information on the state of prison recordkeeping, but the press published several unsigned letters by inmates who accused some prison managers of taking bribes and manipulating the prison classification system, which plays an important role in meeting requirements for parole and alternative sentencing.

Prison management maintained cooperation agreements with several NGOs to cover resocialization efforts, such as assistance with drug addiction and mental illness.

During the first nine months of the year, six persons with physical disabilities were in prison, and there were no specific reports suggesting they experienced mistreatment.

Both detained and convicted persons were able to participate in religious services.

Authorities permitted both visitors and detainees to submit complaints to judicial authorities and the Office of the Protector of Human Rights and Freedoms of Montenegro (the ombudsman), generally without censorship, and to request investigations of credible allegations of inhuman conditions. The ombudsman received 99 such complaints for 2013, compared with 59 for 2012. Complaint boxes installed in multiple areas of the prison enabled inmates to submit grievances.

Authorities often investigated credible allegations of inhuman conditions, but they usually did so only in reaction to media campaigns or upon the ombudsman's recommendation.

Independent Monitoring: The government permitted visits to prisons by independent nongovernmental observers, including human rights groups and the media as well as the International Committee of the Red Cross. Domestic NGOs and the European Commission made visits during the year. Even when monitors visited with short notice, prison authorities allowed the monitors to speak with the prisoners without the presence of a guard.

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

Improvements: Authorities continued to make improvements in the prison system. At the Podgorica prison, they renovated the room for conjugal visits, the water supply and sewage system, 44 cells, seven bathrooms, and a clinic in the remand prison unit. They also renovated a detention cell for minors, a special cell for persons with disabilities, and 12 cells for inmates with short sentences. Overcrowding in the temporary detention prison in Podgorica significantly diminished. In the Bijelo Polje prison, authorities renovated the common area for prisoners. The Ministry of Justice, which monitors prison and detention conditions, added personnel. As part of an EU twinning project, the government, with a group of NGOs, organized training for 20 management personnel and guards from Bijelo Polje on European prison standards. Prison authorities continued to cooperate with NGOs in implementing drug rehabilitation and postrelease resocialization projects in prisons.

In the report on its 2013 visit to police holding cells, released on May 22, the CPT described detention conditions in police cells visited by the CPT's delegation as distinctly better than during its 2008 visit. Renovation work at Bar and Danilovgrad police stations addressed specific deficiencies highlighted earlier by the CPT, including the availability to all inmates of mattresses and blankets, a functioning ventilation system, and a call bell.

d. Arbitrary Arrest or Detention

The constitution and laws prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. Nevertheless, police often relied on prolonged pretrial detention as an aid to investigate crimes, and during

the year they had to compensate a large number of persons for unwarranted detention. According to the Ministry of Justice, authorities paid compensation in 94 cases in 2010, 132 cases in 2011, 222 cases in 2012, and 118 cases in 2013. Since 2010 authorities paid more than a million euros (\$1.25 million) in damages for unwarranted detention.

Role of the Police and Security Apparatus

The National Police Force of approximately 5,000 personnel, which included the Border Police, is responsible for maintaining law and order and was generally effective. It was under the supervision of the Ministry of the Interior. The Agency for National Security (ANB), nominally an independent entity within the government but considered by many to be a political arm of the ruling DPS, is responsible for intelligence and counterintelligence activities. Security forces committed human rights abuses, including physical abuse of detainees.

The parliament is responsible for overseeing democratic and civilian control of the army, police, and security services. Impunity remained a problem in the security forces, despite improved internal investigations. On January 23, the Council for Civilian Control of Police Operations noted police were under strong pressure from political structures. Prosecution of police for such abuses as mistreatment of persons in custody and using coercive methods to obtain evidence remained rare. Penalties for those found culpable were lenient.

A basic court convicted and sentenced police officer Darko Lalevic to three months in prison for beating civilians Ivan Resetar and Radovan Cipovic from Danilovgrad. On October 19, the victims claimed judicial authorities tried to cover up a case against a second police officer from Danilovgrad who they claimed beat them in March 2013.

On June 19, the parliament adopted a Law on Basic Principles in the Intelligence and Security Sector, establishing a National Security Council and an Office for the Operative Coordination. The National Security Council is a political body whose responsibility is to set policies and the broad goals of the country's intelligence and security sectors. The Office for the Operative Coordination oversees coordination of operations by the intelligence, military, and security organizations.

Police showed greater efficiency in conducting internal investigations. Nevertheless, human rights observers continued to express concern over the low number of prosecutions that resulted from allegations of human rights abuse from

previous years. The prosecutor's office, which is responsible for investigating such abuses, seldom challenged a police finding that use of force was reasonable. In cases where courts determined police used unreasonable force, sentences were usually lenient. Human rights observers claimed citizens were reluctant to report police misconduct due to fear of reprisal. In the report on its delegation's 2013 visit, the CPT noted that many persons who the delegation interviewed alleged that they complained to the presiding prosecutor or a judge about police mistreatment but typically received no redress. Even in most cases where a detainee displayed visible injuries, the judge or prosecutor did not follow up. Other detainees told the CPT that they did not report abuse to the prosecutor or judge due to intimidation by accompanying police officers.

There was a widespread view that personal and political connections influenced the enforcement of laws. Low salaries contributed to continued corruption and unprofessional behavior by police officers (see section 4).

Among obstacles to fighting organized crime, domestic NGOs cited corruption, lack of transparency, and the ruling political parties' influence over prosecutors and Interior Ministry officials.

In contrast with previous years, police showed more willingness to suspend or remove officers whom the courts convicted or who were under investigation for violating the law.

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 with warrants issued by judges based on sufficient evidence. The law requires that police immediately inform arrested persons of their rights, and authorities generally respected this requirement. Authorities have 24 hours to inform the family, common-law partner, or responsible social institution of an arrest, and they usually did so. Police may detain suspects for up to 48 hours before bringing them before a judge and charging them. In the report on its 2013 findings, the CPT noted that police generally respected the legal time limits. At arraignment judges make an initial determination about the legality of the detention, and arraignment generally occurred within the prescribed period.

The law permits a detainee to have an attorney present during police questioning and court proceedings, at the government's expense if necessary based on financial

need and other factors. Detainees generally had prompt access to a lawyer. There is a system of bail, but courts rarely used it because few inmates could raise the funds. Courts could release defendants without bail and limit the defendants' movements, impose reporting requirements upon them, or retain their passports or other documents to prevent flight. Authorities at times used electronic surveillance to enforce restrictions. The law prohibits excessive delay in filing formal charges against suspects and in conducting investigations, but delays occurred. There were no reports authorities held detainees incommunicado.

From 2009 until August 2014, the Ministry of Justice received 937 claims for compensation for unwarranted arrest or detention and accepted 298 of them. The ministry responded to the remaining 639 claims by recommending that the individuals pursue civil lawsuits.

Police continued to summon both witnesses and suspects to police stations for "informational talks" and often used this practice to curb hooliganism during soccer matches and the annual LGBT parade. This practice did not usually involve holding suspects for extensive periods or charging them. Although persons summoned have the right to decline such invitations, they seldom chose to do so.

Pretrial Detention: Courts frequently ordered detention of defendants in criminal cases. The law sets the initial length of pretrial detention at 30 days but permits prosecutors to increase it by five months. Combined with judicial extensions, such increases permit authorities to detain a defendant legally for up to three years from the time of arrest through completion of the trial or until sentencing. The defendant has the right to appeal his detention. Authorities claimed that pretrial detainees on average accounted for 42 percent of the prison population, with an average detention lasting 80 days.

During the first six months of the year, the ombudsman received 24 complaints of delayed legal procedures. In many instances the government paid damages for violating the right to a trial within a reasonable time. Courts continued to reduce backlogs despite an 18 percent increase in case volume in 2013. According to the annual 2013 Judicial Council report, there was a backlog of 10,845 cases at the end of 2013, a 31 percent reduction from 2012. Serious concerns remained about the reliability of these statistics as indicators of qualitative progress. There was a question whether the figures took into account the frequent reversals by higher courts of lower-court decisions, requiring cases to be retried. NGOs claimed appeals courts regularly overruled convictions of high-profile figures, and some

prosecutors prepared their bills of indictment so poorly that the result was acquittal or financial compensation for defendants.

In its April 27 report on the work of the State Prosecutor's Office, the domestic NGO Alternativa criticized the office's annual report, claiming it focused on statistical data at the expense of fundamental problems such as the office's failure to investigate corruption and other serious crimes within the prosecutor's prerogative.

Amnesty: Pursuant to a 2013 Amnesty Law, authorities pardoned 32 convicts in the first 10 months of the year. The law prohibits amnesty for persons convicted of aggravated murder, war crimes, rape, human and drug trafficking, and membership in, and formation of, criminal organizations, but the NGO Center for Civic Education asserted that authorities too easily granted amnesty, even for the most serious crimes.

e. Denial of Fair Public Trial

The constitution and laws provide for an independent judiciary, but some NGOs, international organizations, and legal experts asserted that governmental and political pressure and corruption heavily influenced prosecutors and judges. The appointment of judges and prosecutors remained politicized due to the strong influence of political parties on the judiciary. Inadequate funding and a lack of resources and organization continued to hamper court effectiveness. Nevertheless, the government continued to make progress on judicial reform by strengthening the independence, responsibility, and capacity of judges and prosecutors by increasing training and attention to technical issues; improving human and technical resources; and increasing the transparency of court rulings. To increase professionalism in the judiciary, the Judicial Training Center--an independent institution under the Ministry of Justice--and the international community organized training courses for judges and prosecutors.

According to the Center for Democratic Transition (CDT), courts and prosecutors' offices were not committed to communication with citizens and failed to publish documents of public interest, such as court budgets. The NGO Human Rights Action criticized the lack of transparency in the work of the Prosecutor's Council, claiming the council appointed 106 prosecutors from 2009 to 2013 and in only five cases explained the reasons behind their selections. On August 1, the State Prosecutor's Office and the CDT signed a memorandum of understanding creating

a framework for sharing information with the public to increase judicial transparency.

In her annual progress report to the parliament on the judiciary, Supreme Court President Vesna Medenica claimed that political influence on judges and prosecutors continued but was declining.

Violations of judicial procedures persisted. The NGO Center for Civic Education asked the Constitutional Court to assess the government's performance in appointing and removing misdemeanor court judges. In its report the center claimed that from September 2011 to May 2014, the misdemeanor courts sentenced 439 persons to prison in violation of the misdemeanor law, which does not permit imprisonment as a sentence.

During the first six months of the year, authorities initiated proceedings to remove Radomir Sekulic, a judge in the Ulcinj Basic Court, after higher courts overruled a large number of his decisions. The government did not initiate any disciplinary procedures against prosecutors for poor performance of their duties.

Trial Procedures

Most criminal trials are public, but the courts may close certain sessions during testimony of government-protected or other sensitive witnesses. Authorities also close juvenile trials. Juries are not used; professional judges preside over trials. Defendants have the right to be present at their trials and to consult an attorney in a timely manner in pretrial and trial proceedings. Authorities must provide an attorney at public expense when a defendant is a person with disabilities, already in detention, destitute, or indicted on a charge carrying a possible sentence of more than 10 years. Lack of public funds continued to limit the provision of free legal aid. Authorities generally respected defendants' rights, although NGOs reported several cases of alleged violation of the defendant's right to a fair trial. Systemic weaknesses, such as political influence and prolonged procedures, diminished public confidence in the efficiency and impartiality of the judiciary.

According to the Ministry of Justice, all basic courts had legal assistance offices, but there was little public awareness of the availability of legal aid in both civil and criminal cases, resulting in inadequate use of this resource.

By law defendants have a legal presumption of innocence, and authorities are required to inform detained persons of the grounds for their detention. Defendants

have the right to remain silent, seek an attorney, and inform someone of their detention. Defendants and their attorneys have the right to access government-held evidence relevant to their cases if it does not imperil the investigation, national security, or witness protection.

Courts may try defendants in absentia, but by law must repeat the trial if the convicted individuals are later apprehended. Both the defense and the prosecution have the right of appeal.

Plea bargaining remained rare but was gaining acceptance as prosecutors and judges became more aware of this alternative and received training in its use. Defendants accepted plea bargains, envisaged for crimes carrying penalties of up to 10 years in prison, in only 14 cases in 2013.

The NGO Center for Democracy and Human Rights, with OSCE support, monitored trials during 2013 and noted that courts generally respected the presumption of innocence.

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 to seek damages for violations of constitutionally guaranteed 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 and mistreatment or proceeded slowly on them.

Individuals may appeal basic court rulings to the Constitutional Court. Approximately 85 percent of all cases forwarded to the Constitutional Court involved alleged human rights abuse. The Constitutional Court does not issue judgments but rather examines the alleged human rights violations. If it finds a violation, it vacates the lower court's decision and refers the case to the appropriate court or other authority to rectify the abuse. Supreme Court judges continued to

allege the Constitutional Court exceeded its jurisdiction when it overruled Supreme Court decisions on human rights cases.

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

Administrative remedies also existed for violations of constitutionally protected civil rights, but recourse was not easily accessible or efficient. Citizens could address complaints of police abuse to the Council for Civilian Control of Police Operations, but the council may only make recommendations for action to the chief of police or the interior minister. According to the council, between 2009 and 2013 it reviewed 176 complaints of police abuse and found 63 of them to be justified. The council provided recommendations for redress to the competent bodies in 44 cases, and the authorities generally followed those recommendations.

Regional Human Rights Court Decisions

Once national remedies are exhausted, individuals, regardless of citizenship, may appeal cases alleging violations by the state of the European Convention on Human Rights to the European Court of Human Rights (ECHR). As the country's candidacy for EU membership proceeded, citizens sought redress by the court to protect their human rights with increasing frequency. Between 2006 and 2013, the court received 1,662 complaints. In the same period, it examined 872 complaints, finding in 16 cases that the state committed at least one violation against the petitioner. Most cases related to unfair or lengthy trials, failure to execute court orders, and property rights disputes with the government. There were no official mechanisms to monitor the government's implementation of ECHR decisions.

Property Restitution

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

Progress on restitution cases not connected with the religious communities was slow. According to the Finance Ministry's annual report for 2013, between 2004 and December 2013, as many as 10,847 citizens filed restitution claims. As of July, 5,780 claims (53 percent) were resolved, of which 3,671 were in favor of the

claimants. The ministry also reported that the restitution fund established to pay the claims had received 1,360 final and executable court decisions authorizing compensation of more than 211 million euros (\$264 million). In a majority of instances (789 cases), compensation consisted of a mix of cash and state bonds. In the remainder (166 cases), the claimants obtained the return of the property, or when physical return was not possible, other state-owned land. Some complainants claimed the restitution process was not transparent and alleged there was corruption in the process.

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

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

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

Media gave extensive coverage to the reported failure of authorities to provide information on how they treated data collected by secret surveillance but not used in criminal cases.

On February 24, the NGO Human Rights Action released a statement publicly criticizing the provision in the Law on Foreigners that allows authorities to deny foreigners temporary or permanent residence based solely on a negative opinion by the ANB. In the past authorities refused to grant residency status in several cases to clergy of the Serbian Orthodox Church (SPC) by invoking reasons the opposition described as politically motivated.

According to the Agency for Protection of Personal Data (APPD), a government organization, the most common violation of privacy was excessive use of video surveillance in public places by public and private institutions and commercial establishments without the requisite authorization from the APPD. Such authorization is required before the installation of surveillance equipment in public

spaces. The APPD also noted the excessive use of personally identifiable information stored in public registries, particularly those maintained by the health system and financial institutions.

On March 6, the APPD ruled that the DPS-run City of Podgorica administration did not violate the privacy of citizens when it entered the private property of residents to poll them ahead of local elections in Podgorica in May. Opposition parties claimed the polling by city administrators amounted to improper pressure on prospective voters and only the more neutral government statistics office should conduct such polling.

Litigation continued in the NGO MANS's lawsuit charging police with illegally monitoring its e-mail communications. On June 6, police officer Sinisia Stojkovic testified that the prosecutor's office and the police department in Bijelo Polje asked Podgorica police to investigate how MANS obtained a videotape of narcotics boss Safet Kalic's wedding. The videotape, made in 2010, showed several ANB officials at the wedding.

During the first eight months of the year, three citizens requested secret police files kept on them between 1945 and 1989. The ANB granted one of the requests and in two cases stated it could not find the dossiers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech: Individuals could generally criticize the government publicly or privately without reprisal. There were reports authorities unlawfully monitored communications between members of civic organizations. The law criminalizes the incitement of hatred and intolerance on national, racial, and religious grounds and prescribes punishment of six months to 10 years in jail.

Press Freedoms: The print media included private newspapers, such as *Vijesti* and *Dan*, as well as a government-owned newspaper *Pobjeda*, all of which had national circulation. The independent media generally expressed a wide variety of political and social views. There were several physical assaults on journalists of opposition

or independent media outlets, and opposition media reportedly experienced political and economic pressure.

On November 5, two members of parliament representing ethnic-Albanian parties filed criminal charges accusing the Montenegrin edition of the sensationalist Serbian print tabloid *Informer* of “spreading racial and religious hatred” because of a front-page article in its October 16 edition using inflammatory rhetoric and derogatory ethnic terms against Albanians.

Some media outlets, such as *Dan*, *Vijesti*, and *Monitor*, demonstrated a willingness to criticize the government, but at times their coverage included personal attacks reflecting the business or political interests of their owners. The prominence of articles and television programs critical of authorities suggested self-censorship was not a major problem. Combined with a lack of training, unethical journalistic behavior, and low pay, such factors contributed at times to biased coverage.

There was no change in the deep division between progovernment and opposition media, which prevented the establishment of a functional and unified self-regulation mechanism for journalists. The major media outlets associated with the opposition (*Dan*, *Vijesti*, *TV Vijesti*, and *Monitor*) refused to join a media self-regulation council founded in 2012 because of its ties to the government.

On March 1, the opposition daily newspaper *Dan* followed *TV Vijesti* and the *Vijesti* daily newspaper in introducing its own “ombudsman” to address reader complaints regarding alleged violations of journalistic ethics. In September a media monitoring report by the NGO Human Rights Action claimed the council focused more on alleged violations by organizations outside the council than those involving its 19 members.

On December 1, the Greek-owned company Media Nea (which already owned the daily *Dnevne Novine*) formally took possession of the newspaper *Pobjeda*, paying 750,000 euros (\$938,000) and appointing a new editor in chief. The sale followed several earlier attempts by the government to sell its 86 percent interest in the newspaper. *Pobjeda* entered bankruptcy on August 11, due to accumulated tax debts amounting to 1.15 million euros (\$1.44 million).

Prior to the sale, opposition politicians continued to claim *Pobjeda* served as a government mouthpiece to discredit opponents, including opposition politicians, some private media owners, members of the international community, and NGOs. Private media claimed that government-owned companies and some private

companies close to the government openly discriminated in favor of *Pobjeda* in the placement of valuable advertising, despite the newspaper's smaller circulation. On December 18, the NGO Center for Civic Education announced that the government placed 59 percent of its 2013 newspaper advertising in *Pobjeda*.

Government opponents continued to claim that the ruling political structures controlled the country's public radio and television broadcaster, Radio and Television of Montenegro. They asserted that despite some improvement, the broadcaster favored the government in its programming, reporting content, and viewpoint.

Violence and Harassment: Media representatives, especially journalists from the independent newspaper *Vijesti* and pro-Serbian *Dan*, continued to be targets of threats and physical reprisal.

On December 10, the Niksic Basic Court convicted the owner of a local funeral parlor and five associates of the January 3 beating of *Dan* journalist Lidija Nikcevic in front of the newspaper's office in Niksic; the journalist had reported on the firm's alleged murky business dealings. The five received prison sentences varying from 11 to 15 months. The attack on Nikcevic brought strong condemnation from local and foreign institutions. OSCE media freedom representative Dunja Mijatovic described it as "just the latest in a series of violent incidents on journalists and media."

Vijesti's property continued to be a target of attacks. On February 13, a vehicle belonging to the newspaper was set on fire, the fifth company vehicle burned since 2011. According to the director of *Vijesti*, it was the 15th attack on *Vijesti* property and personnel in seven years.

At year's end authorities were prosecuting two persons accused of setting off a powerful explosive device under the office window of *Vijesti's* editor in chief. Although the explosion was audible miles away, the attack caused no injuries.

Courts made little progress on pending cases involving attacks on the media. The pre-independence 2004 killing of *Dan* editor in chief Dusko Jovanovic remained unsolved. On July 23, the Constitutional Court, citing a violation of fair-trial rights, overturned Supreme Court and Appellate Court convictions of Damir Mandic, whom prosecutors accused of being an accomplice in the killing, and ordered a retrial. Other possible perpetrators were unknown.

On February 6, an 11-member commission founded by the Ministry of Interior in November 2013 for monitoring investigations into attacks and threats against journalists began operations. The commission included six representatives from the State Prosecutor's Office, the Police Administration, and the Agency for National Security, as well as four journalists and a representative of civil society. The deputy editor in chief of *Dan* chaired the commission. Following a threat assessment by the ANB, on February 27, the Ministry of Interior agreed to the commission's request for 24-hour police protection for Tufik Softic. Softic, an independent journalist who wrote articles about organized crime for *Vijesti* and *Monitor*, was a victim of unsolved attacks in 2007 and 2011, and he continued to receive threats against his and his family's safety.

Libel Laws/National Security: Although the parliament abolished criminal libel in 2011, media outlets continued to face libel charges in civil proceedings.

Citing "violations of citizens' constitutional rights and freedoms," judicial authorities twice (on July 2 and October 30) prohibited the distribution of content in the Montenegrin edition of the sensationalist Serbian print tabloid *Informer*. The prohibited articles included front-page pornographic photographs, allegedly of a well-known NGO activist, that *Informer* reprinted for several weeks. Local NGOs, most political parties (except for the DPS), and members of the international community, including foreign embassies and the OSCE, publicly condemned the articles as a form of intimidation. Despite the court's rulings, the series continued. On September 5, two members of parliament representing minority ethnic-Albanian parties filed criminal charges against *Informer* for "spreading racial and religious hatred" against the country's ethnic Albanians. The state prosecutor opened an investigation into the allegations at year's end.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, but there were credible reports it monitored private online communications without appropriate legal authority. NGOs alleged police and intelligence services unlawfully collected data from citizens' mobile phones and internet usage. According to the most recent report by the government's statistical office, issued in November 2013, 56 percent of the country's households had access to the internet. According to the Internet Live Stats survey of October 5, the country had 364,978 active internet users, 58.2 percent of the population.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

To hold public gatherings of any kind, organizers must notify the Ministry of the Interior, which oversees the police. Police rejected a number of applications for permission to assemble, most of them organized by disgruntled workers. The banned protests included workers of the Metalac metal company in Niksic, the Gornji Ibar company in Rozaje, the Radoje Dakic company in Podgorica, and the Boksisi company in Niksic. Authorities denied a permit assemble sought by workers with disabilities in Bijelo Polje.

Police contended they prohibited the gatherings that would disturb public peace and order and interfere with traffic. In some cases authorities offered protesters other locations for their demonstrations. In a few cases when protesters assembled without authorization or failed to respect police orders to disperse, police detained protesters for questioning and charged them with misdemeanor offenses. The Constitutional Court began to consider a 2011 request by the NGO Civic Alliance that it review the law on assembly, some of whose provisions Civic Alliance considered unconstitutional violations of the constitution's freedom of assembly provisions.

On February 15, police used tear gas to disperse approximately 200 stone-throwing protesters demanding the resignation of government officials whom they accused of corruption and responsibility for the country's economic difficulties. The clashes left nine police officers injured. Police detained 20 demonstrators. Organizers claimed that rather than arrest the individuals who used the occasion to stone police officers and their vehicles, they arrested well-known regime critics, including journalist Marko Milacic and spokesperson for the opposition group Forum 2010, Boban Batricevic. Authorities released Milacic and Batricevic after 48 hours.

Freedom of Association

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

c. Freedom of Religion

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

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

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

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

Internally Displaced Persons (IDPs)

Government ministries and the UNHCR continued to assist several thousand displaced persons to apply for the civil status of foreigners with permanent residence before the December 31 application deadline. This population consisted primarily of an estimated 900 persons who fled Croatia and Bosnia in 1991-95, designated by the government as displaced persons (DPs), and 5,800 persons who fled Kosovo in 1999, designated as internally displaced persons (IDPs).

The government made limited progress in resolving the legal status of the DPs and IDPs, who faced difficulty obtaining the documentation necessary to apply for permanent resident status, particularly in regularizing previously unregistered births and paying the fees required to procure documents. On March 9, to expedite the process, the Ministries of Interior, Labor, and Social Welfare signed a memorandum of cooperation with the UNHCR. The memorandum calls for cooperation on monitoring and promoting the progress of applications, including through campaigns, field visits, and helping applicants obtain the necessary

documents locally and in their countries of origin. The governments of Montenegro and Kosovo organized mobile teams to assist displaced Roma, Ashkali, and Egyptians in the Konik camp in Podgorica and elsewhere in Montenegro to obtain personal documents. Despite these efforts IDPs and DPs continued to face obstacles when trying to obtain legal status. Many lacked the funds necessary to obtain domestic documents or to travel to their countries of birth to obtain them. In some cases their parents or authorities never registered them in birth or citizenship registries. The government did not adopt legislative amendments to create procedures for registering Romani, Ashkali, and Egyptian children whose parents did not initially register them at birth. The government extended the deadline for submitting permanent residence applications, initially set to expire at the end of 2013, for an additional 12 months. Authorities stated that after the deadline passed they would consider those who did not apply to be in the country unlawfully.

As of September 30, according to the Ministry of the Interior, approximately 10,865 persons, or 66 percent of the estimated number of DPs and IDPs as calculated from the 2009 registry, submitted applications. Of these, 9,600 received foreigner status, with another 1,100 applications for foreigner status pending. An additional 1,100 acquired Montenegrin citizenship. In June and July, the UNHCR and its partner NGOs conducted field verification of Kosovo IDPs and learned that at least 1,494 persons were still in need of assistance to apply for the status of foreigner. Through the process of comparing different government registries, the UNHCR identified an additional 486 DPs from Bosnia and Herzegovina and Croatia still in need of assistance.

As of 2012 the government was in the process of granting citizenship to approximately 1,650 refugees of Montenegrin origin from Albania who entered the country based on a 1991 treaty between Yugoslavia and Albania.

Most DPs continued to have temporary status and limited rights, which increased their economic and social vulnerability. To promote labor and social rights for DPs and IDPs, the government extended to June 2015 a decree granting employment rights to those who did not file for foreign resident status.

A number of IDPs continued to live in substandard dwellings and struggled to pay rent for private accommodation or feared eviction from illegally occupied facilities known as informal collective centers. As many as 1,800 Roma from Kosovo remained in a settlement in Berane and in two camps in Podgorica, while approximately 250 Kosovo Serbs continued to live in substandard collective

housing in Berane. As a part of its effort to improve the situation in the Konik camp in Podgorica, the government provided 156 containerized housing units by the end of 2013. International donors continued to assist camp residents.

The government also completed installing 100 units of container housing donated as humanitarian assistance by a foreign government.

Together with Croatia, Serbia, and Bosnia and Herzegovina, the country is a party to a regional housing program, facilitated by international donors, which worked to provide durable solutions for DPs and IDPs.

On April 1, the Montenegrin Power Utility switched off the electricity to 105 refugee families in the Konik camp. It restored service following a review of the legal status of the camp's residents and once the residents agreed to pay a part of their bills.

Restricted access to employment pushed many DPs into gray market activities. Poor economic prospects particularly affected Roma, Ashkali, and Egyptians from Kosovo as well as the aging Kosovo Serb population in the Berane area, who continued to form the most marginalized and vulnerable segment of the DP/refugee population. Approximately 2,000 persons with DP or IDP status remained in barely habitable privatized facilities.

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

The government continued to encourage DPs and IDPs to return to their places of origin, but repatriation slowed to a trickle due to the preference of many IDPs and DPs to remain, fear of reprisals in their countries of origin, and lack of resources. During the year 12 Romani families consisting of 54 individuals returned to their places of origin.

Protection of Refugees

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

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

On February 3, the Ministry of Labor and Social Welfare opened a new, 1.8 million euro (\$2.25 million) reception center for asylum seekers, cofunded by the ministry and the EU with support from the UNHCR. Observers viewed the center, which could accommodate 65 individuals, as an important step in helping settle a growing number of asylum seekers in the country. Previously authorities housed asylum seekers in private apartment buildings in Podgorica. Asylum seekers with pending claims, regardless of national origin, could remain in the country until the Ministry of the Interior or the State Asylum Appeals Commission adjudicated their claims. The government's capacity to handle asylum seekers remained problematic.

In the first half of the year, only one interpreter (for Arabic and French, funded by the UNHCR) was available in the Ministry of the Interior's Asylum Office to assist with asylum interviews. Beginning in July the Directorate for Care of Refugees, which manages the new reception center for asylum seekers, obtained access to the UNHCR-funded pool of interpreters for English, French, and Arabic languages, thereby improving the ability of the staff to communicate with asylum seekers who lacked knowledge of local languages.

Temporary Protection: Since the Law on Asylum entered into force in 2007, authorities have not granted temporary protection to any asylum seekers.

Stateless Persons

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

In 2011 authorities published census data related to citizenship identifying 4,312

persons who claimed to be without any citizenship. This figure included 841 persons who came to the country during the Balkan wars (presumed to be refugees), but also 3,471 persons reportedly originally from the country. Of these, 38 percent declared themselves Roma or Egyptians, while others identified themselves as Serbs (23 percent), Montenegrins (20 percent), or Albanians (3 percent). The government started the process to establish stateless status in only two cases. On September 22, the Ministry of Interior, with financial assistance from the UNHCR and the OSCE, initiated a two-month registration campaign for persons who considered themselves stateless.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In April 2013 the country held presidential elections, which the OSCE, through a limited observer mission, described as professionally and efficiently administered. At the same time, the OSCE mission's final report noted a blurring of the lines between the state and the party, which was at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document. A limited OSCE mission characterized the conduct of parliamentary elections in 2012 as a further step toward meeting the country's OSCE commitments, but it also referred to voting irregularities and state-party confluence that undermined popular confidence.

On May 25, 12 of the country's 23 municipalities held elections. Afterwards it took four months for the local administration in Podgorica, Pljevlja, Bijelo Polje, Kolasin, and Bar to be constituted. Opposition parties collectively received more votes than the ruling DPS-led coalition. The parliament elected the new State Election Commission chair only on October 8, months after the April 21 legal deadline.

Some civic activists accused the ruling party of misappropriating state funds for unfair electoral gain. On April 3, the NGO MANS submitted reports to the State Election Commission alleging illegal employment related to the local election campaign in violation of the law. According to MANS, 71 job advertisements for public institutions and companies, all of which appeared after President Vujanovic

called for local elections in Podgorica, were illegal. On April 6, the daily newspaper *Dan* published a transcript of an alleged audio recording of DPS activist Predrag Vasovic offering 90 euros (\$113) for an identity document for use in obtaining additional votes for the DPS. In 2013 a Herceg Novi court convicted 11 persons of buying identity cards in order to gain illegal votes.

Participation of Women and Minorities: Although the president of the Supreme Court and the minister of defense were women, the level of female participation in leadership positions in the government was low. Following the 2012 elections, there were 13 women in parliament (16 percent) and three in the cabinet. Two of the country's 23 municipalities had female mayors. A woman led one of the 10 parties represented in parliament. Amendments to the electoral law, adopted on March 21, provide for gender diversity in each political party's candidate list, requiring every fourth candidate on each party list to be a woman. The regulations do not provide that the representation of women on parties' candidate lists should result in a similar percentage among candidates elected.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and corruption remained a serious problem, as indicated in Transparency International's *2013 Perception of Public Corruption Index*. There was evidence some government officials engaged in corrupt practices with impunity, despite the government's nominal commitment to fighting corruption. The public viewed corruption as endemic in the government and elsewhere in the public sector, both at the local and national levels, particularly in the areas of health, education, urban planning, and employment. On October 7, following an 18-month delay caused by inability to reach a supermajority consensus, the parliament voted to approve former judge Ivica Stankovic as the new state supreme prosecutor.

Corruption: During the first eleven months of the year, citizens reported 102 cases of alleged corruption to the Anticorruption Agency, most involving the public administration, private sector, and judiciary. Human rights observers alleged the government interfered in legal proceedings that involved officials' misuse of office and government resources as well as use of their official positions to employ party followers. There were numerous allegations that membership in the ruling coalition parties was a prerequisite for employment in public administration.

Although authorities prosecuted and often convicted numerous low- and mid-level officials on corruption charges, efforts to investigate, prosecute, and convict senior officials for corruption remained largely ineffective. Agencies tasked with fighting corruption acknowledged that cooperation and information sharing among them was inadequate. The capacity of state agencies responsible for solving the complex and momentous cases involving corruption and organized crime remained limited, and politicization, poor salaries, and lack of motivation and training of public servants provided fertile ground for corruption. In order to increase efficiency of their anticorruption efforts, on June 6, the Ministry of Interior and chief state prosecutor signed a memorandum of cooperation.

NGOs and corruption watchdogs alleged officials often rigged valuable public tenders--mainly used in the construction, trade, health-care, agriculture, and information technology sectors--to give an advantage to companies with political influence close to the ruling parties. The domestic NGO Alternativa stated that in 2013, seven local governments violated the law on public procurement, which requires that direct agreements between the customer and bidder not exceed 10 percent of annual value of procurement. The state auditor general reported that many state agencies also overstepped the legal limits on public procurement through direct agreements with interested parties. Alleged violators included the Ministry of Finance and the Ministry of Information, Society, and Telecommunications, the customs administration, statistical office, administration for real estate, agency for protection of competition, state museum, and the archives.

Institutional capacity for monitoring tenders was limited. The law requires government agencies to report any tender involving more than 500,000 euros (\$625,000) to the Commission for Monitoring Public Procurement Procedures. There were reports that a number of the entities repeatedly failed to provide mandatory annual procurement reports to the commission.

The NGO Alternativa claimed authorities did not adequately implement legal provisions to curb political influence and nepotism in public administration. According to Alternativa only one-third of state ministries and agencies complied with provisions of the law requiring them to publish lists of public officials and their salaries.

There were numerous reports of persons obtaining employment based on party affiliation or family ties, and there were accusations that the state agencies provided funds and employment to citizens in pre-election periods (see section 3). In June a communal police officer in Kotor, Snezana Perisic, filed charges against the head of the communal police, Zoran Vucinovic, alleging he pressured her to withdraw misdemeanor charges against several companies supposedly connected to local authorities.

Regulation of funding for political parties and electoral campaigns remained weak, and the imposition of penalties for violations remained ineffective. On September 17, however, the Pljevlja Municipal Court sentenced two lower-ranking DPS members to six months' probation for abusing state resources and buying off voters during the 2012 parliamentary elections. Persons convicted included the director of the Center for Social Affairs in Pljevlja, Juso Ajanovic, and another center employee, Ermin Nuhanovic, of allocating cash welfare benefits of 50 euros (\$63) to 395 citizens in advance of the election. The court ordered the two defendants to pay 4,250 euros (\$5,310) in fines. The courts acquitted 10 other DPS activists of similar charges citing lack of evidence.

Several mid-level law enforcement and customs officials faced corruption charges. In a July 17 retrial, the Podgorica High Court sentenced the former president of the Municipality of Budva, Rajko Kuljaca, and the secretary for investments, Dragan Marovic, to five- and four-year prison terms, respectively, for abuse of office and violations of public procurement law.

On March 11, the special prosecutor for organized crime, corruption, terrorism, and war crimes arrested the mayor of Budva, Lazar Radjenovic, the foreign investments advisor to the prime minister, Aleksandar Ticic, and the former office director of Budva Prva Banka (First Bank), Jelica Petricevic, on charges of enabling the private company SP Luna to purchase more than six acres of municipal land by paying off the company's bank loan with municipality funds. Radjenovic did not resign as mayor, and two weeks after his release pending trial, he resumed his official duties. As of November he was awaiting trial on the charges.

Press coverage of the “Telekom affair” continued in March with the publication of documents and charges that the prime minister’s sister, Ana Kolarevic, had taken a bribe while conducting the sale of the former state-owned telegraph company. Media accounts cited allegations by a foreign financial regulatory agency that a sister of “a high Montenegrin official” took a bribe on his behalf during the privatization of Montenegrin Telekom in 2005. A second foreign financial regulatory agency investigating the case found there were grounds for Montenegrin authorities to investigate the allegations further. Kolarevic denied the allegations, claiming her clients simply paid her for legal services during the privatization of the company.

There are criminal asset forfeiture laws, but judges did not implement them effectively, and evidentiary standards for seizing assets were very high. There is no civil forfeiture statute, which some experts believed would reduce incentives for corruption. The number of corruption cases in which assets were confiscated was very low.

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

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

Financial Disclosure: Government officials were subject to financial and asset disclosure laws, and most complied with the requirements in a timely fashion. A governmental body, the Commission for the Prevention of Conflicts of Interest (CPCI), has the power to investigate the truthfulness of officials’ disclosures about their property and income, with the exception of bank accounts and the origin of property ownership. Officials must report any gift exceeding 50 euros (\$63) to the CPCI. Violations of the obligation to file and disclose are subject to administrative or misdemeanor sanctions. Inadequate administrative and financial resources limited the CPCI’s oversight activities. Many observers, on the contrary, saw the CPCI, many of whose members were civil servants considered loyal to the ruling

parties, as instrumental in shielding the parties from public scrutiny. The commissioners' terms of office, including that of the chairman, expired in August, and unclear criteria for the election of new commission members further impaired the country's anticorruption efforts. During 2013 the Ministry of the Interior introduced a requirement that certain police officials, such as senior officials and police inspectors, declare all of their financial assets. Many state officials were not able to explain the origin of their wealth. Government critics alleged that some ANB agents acquired wealth far exceeding their earnings.

According to the CPCI, 394 of the 1,577 officials subject to an income disclosure requirement inaccurately reported their income during the first six months of the year. Authorities did not impose penalties for false statements on public official asset disclosure forms, but from January through November, the CPCI fined 62 state and 199 local public officials for failing to report their income in a timely manner. CPCI refused to disclose the names of those fined to media, citing a decision of the Agency for Protection of Personal Information that prohibited the disclosures without the express consent of the persons concerned. On May 9, ending a two-year legal dispute between the Agency for Protection of Personal Data and the CPCI, the Supreme Court determined that protection of private information did not require the CPCI to narrow the scope of information that it published about government officials.

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

Reports continued that some government officials used their offices to promote their private business interests.

Public Access to Information: The law provides for public access to government records, but the government did not fully implement the law or always provide access to government information, particularly information about the privatization of publicly owned assets. The law requires agencies to publish some government information proactively but also imposes restrictions related to confidentiality and personal data protection. Some ministries responded to information requests, while others at times publicly criticized the requests. According to the Agency for Protection of Personal Information, the Ministries of Finance, Economy, Labor and Social Welfare, and Agriculture, along with the Podgorica local government, mostly ignored requests for information. The NGO CDT conducted a 12-month

monitoring of transparency of the state institutions, which showed that the institutions routinely failed to respect the law. The level of access did not differ for noncitizens or the foreign or domestic press.

Some NGOs reported that their requests for government-held information frequently went unanswered or that the government was slow to respond. NGOs and journalists submitted the most requests for information. According to the Agency for Protection of Personal Information, state institutions often refused to give information that might reveal corruption or illegal activity, claiming that compliance would compromise confidentiality and state interests and involve the release of personally identifiable information. Persons whose applications the authorities denied could appeal to the Agency for Protection of Personal Information, which generally upheld the requests for government held information. The fines for government agencies that fail to comply with the access to information law range from 500 to 2,000 euros (\$625 to \$2,500). From March through December 2013, the agency received 754 complaints and found that 552 information request denials were improper. In most cases other government bodies complied with the agency's instructions.

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

A number of domestic and international human rights groups generally operated without government restriction, publishing their findings on human rights cases. Government officials were usually cooperative and responsive to the views of international groups, but some domestic NGOs assessed cooperation as only nominal. Human rights observers reported uneven levels of cooperation from various national and local government officials. On March 14, the NGO Center for Development of NGOs stated that most state agencies did not accept the corrective role of NGOs in society, and their influence on the decision making process remained limited.

As of December 2013, the government had registered 3,300 NGOs, but according to the Center for the Development of NGOs, only an estimated one-third of them were active. NGOs participated in the activities of various government agencies, most often as members of working groups and councils dealing with such issues as negotiations for EU accession. There were complaints the government's Commission for Allocation of Funds from Games of Chance allocated lottery proceeds to NGOs in a delayed, nontransparent, and arbitrary way and engaged in favoritism subject to corruption. Financial viability remained the most challenging

obstacle for civil society organizations. Local governments often provided support to NGOs that the governing parties did not view as threats. The office for cooperation with NGOs remained underdeveloped and understaffed.

Government Human Rights Bodies: The protector of human rights and freedoms serves in the role of ombudsman. The Office of Protector of Human Rights and Freedoms is a national mechanism working to prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment, as well as discrimination. The ombudsman operated without government or party interference and enjoyed cooperation with NGOs. Upon finding a violation of human rights by a government agency or institution, the ombudsman could propose remedial measures, including dismissal of the violator, and evaluate the implementation of his proposals. Failure to comply with the ombudsman's request for corrective action within a defined period was punishable by fines of 500 to 2,000 euros (\$625 to \$2,500).

The Ombudsman's Office may investigate alleged government human rights violations and inspect such institutions as prisons and pretrial detention centers without prior notification. It may access to all documentation, irrespective of their level of secrecy, relating to detainees or convicts, and talk to prisoners or detainees without presence of official persons. The ombudsman may propose new laws, ask the Constitutional Court to determine whether a law violates the constitution or treaty obligations, evaluate particular human rights problems upon request of a competent body, address general problems that are important for the protection and promotion of human rights and freedoms, and cooperate with other organizations and institutions dealing with human rights and freedoms. The Ombudsman's Office may not act upon complaints about judicial proceedings in process, except when the complaint involves delays, obvious procedural violations, or authorities' failure to carry out court decisions. The government and the courts generally implemented the ombudsman's recommendations, although often with administrative delays.

On July 16, the parliament amended the law to require the president to consult with human rights, scientific, and professional NGOs when nominating an ombudsman. The ombudsman is not legally liable for the consequences of an opinion or recommendation provided in the course of his or her official duties. The Ombudsman's Office has a separate budget and allocates its resources independently. During the year the ombudsman had a budget of 526,000 euros (\$658,000). Two of four deputy posts remained vacant.

The Ombudsman's Office published an annual report as well as reports on such specific subjects as torture and violations of children's and minorities' rights. In 2013 it reported receiving 611 complaints, the majority of which concerned the work of government agencies and public administration, courts, police, local governments, state prosecutor's offices, business organizations, and individuals. On June 17, the NGO LGBT Forum Progress criticized the annual report, alleging it failed to take into account many of the NGO's recommendations for improving tolerance of the LGBT community.

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

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

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

On March 24, the parliament adopted amendments to the Antidiscrimination Law to outlaw sexual harassment, segregation, hate speech, racial discrimination, and discrimination based on religion or belief. During the first nine months of the year, police received 128 reports of discrimination against 135 individuals.

Women

Rape and Domestic Violence: In most cases the penalty for rape, including spousal rape, is one to 10 years in prison. When the victim is younger than 14, suffers serious bodily injury, or is the victim of several perpetrators, punishment may be more severe. Sentences were generally lenient, the average being two years and eight months in prison. There were no governmental institutions to assist survivors of sexual violence, although some NGOs provided assistance. The police received only one report of a rape in the first nine months of the year.

Deeply ingrained societal attitudes hampered the prosecution of rape cases. Survivors were reluctant to report crimes due to the cultural stigma that would attach to themselves and their families. Judges frequently allowed the accused or others to cast aspersions on a victim's character during court proceedings. Spousal rape is also punishable through civil actions, but these were infrequent, since they required the victim to initiate the lawsuit and appear in court.

Domestic violence is generally punishable by fine or a one-year prison sentence. In cases of serious bodily injury or violence against children, punishment ranges from one to five years in prison. If the violence results in death, punishment can be up to 12 years in prison. In 2013 police reported 1,129 cases of family violence. Of completed cases, perpetrators received prison sentences in 109, fines in 336, suspended sentences in 114, and acquittal in 225. During 2013 social centers registered 637 victims of family violence, of whom 270 were children.

According to NGOs that worked with abused women, in a significant number of incidents women who endured abuse did not report it due to fear of reprisal, economic dependency, lack of information, physical and social subjugation, lack of measures to prevent reoccurrence, and social stigma. In many cases victims declined to press charges even when evidence of an attack was clear. NGOs, with international support, played a major role in addressing and responding to violence against women. NGOs considered that in spite of some progress, particularly in the law, government agencies responded inadequately either to prevent the violence or to assist victims' to recover. Some government entities, including the judiciary and police, appeared more responsive to complaints about domestic violence than in previous years.

A 2012 survey conducted by the NGOs CEED Consulting and SOS Hotline Niksic found that government institutions responsible for combating domestic violence failed to respond adequately to the problem in part because personnel lacked adequate training about the nature of domestic violence or the legal procedures available to deal with it.

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

Lengthy trials, economic dependency, and a lack of alternative places to live often forced victims and perpetrators to continue to live together, resulting at times in additional assaults and greater hesitation of victims to report them. Local NGOs working to combat domestic violence relied largely on international donor

assistance. Authorities were aware of the problem of domestic violence but did not allocate adequate resources for the accommodation and care of victims, removal of violent persons from families, or other efforts necessary to combat it effectively. According to NGOs and the ombudsman, female victims of domestic violence often complained that government-run social welfare centers did not respond adequately to their appeals for help.

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.

NGOs operated three shelters for victims of domestic violence, two in the central part of the country and one in the north. Women's advocacy groups worked to fight domestic violence through awareness-raising campaigns and sought to improve women's access to legal services and workshops. In the first 11 months of the year, 308 victims reported family violence to the NGO Women's Safe House. During the same period, the NGO accommodated 112 victims--54 women and 58 children.

Female Genital Mutilation/Cutting (FGM/C): There are no specific laws against this practice, and there were no reports that it occurred.

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

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely the number and timing of their children and to have the information and means to do so and the right to reproductive health, free from discrimination, coercion, and violence. The government provided free childbirth services. Health clinics and local health NGOs openly disseminated information on family planning under the guidance of the Ministry of Health. There was free access to contraceptives and to skilled attendance during childbirth, including essential obstetric and postpartum care. Minister of Health Miodrag Bobo Radunovic resigned on November 18, following a scandal involving the death of an infant and the infection of four others in the maternity ward of the Bijelo Polje Hospital. The United Nations Children's Fund (UNICEF) called on the authorities, as a matter of urgency, to improve hospital care of mothers and newborn babies.

Press reports suggested that hygienic conditions in the 13 maternity wards across the country were inadequate. Romani women generally had the least access to family planning counseling and gynecological services, since many of them rarely saw doctors.

Discrimination: The constitution provides for gender equality. Women have the same legal status and rights as men under family law, labor law, property law, and access to the judicial system. Women often did not have equal economic or social status with men and often worked in more menial or low-paying jobs. In inheritance law all property acquired during marriage is joint property, and women have the same legal status as men. There were instances of women ceding their property and inheritance rights to men, but this practice continued to decline. The NGO SOS noted that it was difficult for women to defend their property rights in divorce proceedings, due to the cultural belief that the property belongs to the man. According to a survey conducted by the NGO, 58 percent of divorced women initiated legal proceedings for the division of marital property, but only 3 percent of them were successful, and proceedings lasted an average of six years. One emerging trend involved husbands in divorce proceedings giving title to property to family members or friends rather than to their wives.

Traditional patriarchal ideas of gender, according to which women should be subservient to male members of their families, resulted in continued discrimination against women in the home. For example, while the national literacy rate was more than 98 percent, 84 percent of illiterate persons were women. Women in rural areas encountered attitudes and stereotypes that perpetuated the subordinate position of women in the family and society.

Widespread, albeit mostly tacit, discriminatory cultural norms prevented women from participating equally in all areas of social development and generally discouraged them from seeking work outside the home. Employers at times violated women's entitlement to a 40-hour workweek, overtime, paid leave, and maternity leave. Societal expectations regarding women's obligations toward the family adversely affected their opportunities for advancement. Women rarely reported harassment at work due to fear of employer reprisals and a lack of information about legal remedies. Implementation of the law prohibiting harassment at work was poor (also see section 7.d.).

While the law provides for one year of maternity leave, there were reports that private companies did not always meet this legal obligation. NGOs reported that

women of childbearing age regularly experienced hiring discrimination because employers feared they would take maternity leave in the future.

Although the law incorporates the principle of nondiscrimination against women, it does not explicitly address the principle of equal pay for equal work. According to a November 2013 survey conducted by the International Labor Organization and the Association of Employers, women received an average of 14 percent less pay than men for doing the same job. Women owned 9.6 percent of companies, although many more ran the day-to-day affairs of businesses. One major reason for the low level of female business ownership was that most lenders required collateral for commercial loans, and inheritance practices in the country favored men. The Department for Gender Equality worked to inform women of their rights. The parliament has a committee on gender equality.

Some job announcements for women explicitly included discriminatory employment criteria, such as age and physical appearance. During 2013 women accounted for 19 percent of the police force, 33 percent of the personnel at the Ministry of Defense, and 36 percent of the ANB. An increasing number of women served as judges, and there were many women in such professional fields as law, science, and medicine.

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

The government took some steps to encourage female entrepreneurship, empower women in rural areas, and strengthen participation of women in politics as a part of a campaign to prevent discrimination against women.

Gender-biased Sex Selection:

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

Children

Birth Registration: Children derive citizenship from their parents, and under some circumstances, by birth in the country, through naturalization, or as otherwise specified by international treaties governing the acquisition of citizenship. Registration, a responsibility of the parents, is required for a child to have the necessary documents to establish his or her citizenship. Romani, Ashkali, and Egyptian parents registered the births of their children at much lower rates than other groups, mostly due to their lack of awareness of the importance of registration and the parents' own lack of identification documents. It was difficult for the unregistered children of Romani and Egyptian parents to access government services, such as health care, social allowances, and education.

According to the 2011 census, 2,339 children lived in the country with no citizenship. The UNHCR's verification exercise among Kosovo IDPs showed that at least 448 IDPs, 90 percent of them children, were not recorded in the birth and/or citizenship registries. The UNHCR continued to work with authorities to address the problem.

Education: Education is free through secondary school, and primary education is compulsory. According to the 2011 census, 95 percent of children of school age attended school. The percentage was much lower for Romani children (51 percent) and Egyptian children (54 percent). During the year 1,530 Romani and Egyptian students attended primary school, but only 80 students from these communities attended secondary school, while 20 attended university. Obstacles to education included poverty, lack of fluency in the Montenegrin language, lack of identity documents, and community pressure to contribute to family income from a young age. Girls were more likely to leave primary school than were boys. Many parents did not want their children, particularly girls, to go to school, preferring that they stay at home and marry at an early age. A government commission responsible for monitoring school dropouts achieved no substantial results. There were no textbooks in the Romani language.

Child Abuse: During the first six months of 2013, the country's social centers received 29 reports of violence against children. Facilities for children who suffered from family violence were inadequate. In 2012 the NGO Children Above All stated that only 20 children called the EU-sponsored "confidential telephone line" designed for children, adolescents, and their parents to report domestic abuse. Many children, particularly high school students, faced exposure to alcohol, drugs, and violence. According to NGO and media reports, peer violence among children

was on the rise. Authorities prosecuted child abuse. There were no marital or family counseling centers. At times authorities placed juvenile victims of domestic violence in the children's correctional facility in Ljubovic or the orphanage in Bijela. In 2013 the ombudsman received 100 reports regarding the violation of children's rights or discrimination against them.

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

Some media coverage of crime stories violated the privacy rights of children by reporting personally identifying details. Publication of such information is illegal unless there is a legitimate public interest. Authorities did not prosecute or fine any of the offending media outlets for these offenses.

Many parents and relatives of Romani, Ashkali, and Egyptian children forced them to work at an early age to contribute to family income. They engaged in begging at busy intersections, on street corners, from house to house, and in restaurants and cafes. While many children were from Montenegro, a large percentage of those between the ages of seven and 16 were from nearby countries, a proportion that tended to rise during the summer tourist season. A study conducted in 2011-12 by the NGO Institute for Social Inclusion found 148 Romani and Egyptian children begging in 12 towns across the country. The NGO stated that government institutions failed to respond effectively to the problem.

Police reported that in the first nine months of the year, they apprehended 100 children, mostly Roma, for begging on the streets. Police took five such children to the Ljubovic Correctional Facility, while a social center took custody of a child in Budva. Police returned other children to their families. Police charged two persons with forcing children to beg. The ombudsman criticized the efforts of police and social centers to prevent begging as inadequate.

According to a report UNICEF released in September, *Hidden in Plain Sight*, 69 percent of children younger than 15 were exposed to some kind of violence. The survey showed that one-third of citizens knew a child who was a victim of violence at school, while almost one of 10 citizens knew a child or an adult who was a victim of sexual harassment in childhood. UNICEF reported that 69 percent of parents at times used violent or psychologically damaging methods in raising their children.

Early and Forced Marriage: The minimum legal age for marriage is 18 in most cases, but persons as young as 16 may marry with the consent of a court. Child marriage was a serious problem, particularly in the Romani and Egyptian communities, where boys and girls generally married between the ages of 12 and 17. Authorities considered such common law marriages illegal and did not officially recognize them. Punishment for arranging forced marriages ranges from six months to five years in prison. Romani NGOs claimed that families paid dowries of 4,000 to 15,000 euros (\$5,000 to \$18,800) for child brides. NGOs reported that parents of some girls sold them to foreigners for marriage. The custom of buying or selling virgin brides continued in the Romani, Ashkali, and Egyptian communities; grooms reportedly paid between 1,000 to 10,000 euros (\$1,250 to \$12,500). On May 20, a few Roma and Egyptians from the Konik refugee camp physically attacked Fana Delija, of the NGO Center for Roma Initiatives, when she tried to organize a performance of an educational production, Agreed Marriage, in support of the center's campaign to curb early and forced marriages.

Female Genital Mutilation/Cutting (FGM/C): There are no specific laws against this practice, and there were no reports that it occurred.

Sexual Exploitation of Children: The age of sexual consent is 18. There is a statutory rape law. Sexual activity with a juvenile carries a prison sentence of up to three years. Paying a juvenile for sexual activity carries a prison term of three months to five years. Authorities may fine or sentence for up to one year any person found guilty of inducing another into prostitution. If the victim is a minor, a convicted offender could face a prison term of one to 10 years.

Child pornography is illegal, and sentences range from six months in prison for displaying child pornography to eight years for using a child in the production of pornography. Romani child beggars were at risk of sex trafficking. According to a survey of the Roma population conducted in Podgorica and Berane in April by the NGO Montenegrin Women's Lobby, 71 percent of respondents knew of prostitution cases involving minor Romani girls.

Institutionalized Children: In the report on its 2013 visit, the CPT noted that the Komanski Most Institution for People and Children with Special Needs had made progress since the group's previous visit in 2008. There were improvements in the treatment of inmates and in their living conditions in an institution that the CPT had severely criticized after earlier visits. The CPT observed that the government

had completely refurbished the institution and that it offered satisfactory living conditions to its residents.

Authorities gave priority to deinstitutionalizing children. With support from UNICEF and the EU, the government worked to develop a foster care system as an alternative to institutionalization. The government reported that during the first nine months of the year, foster families adopted 16 children, raising the total of foster children to 320. The government reduced the number of children at the orphanage in Bijela from 186 several years earlier to 120.

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

Anti-Semitism

There were no reports of anti-Semitic acts against the country's small Jewish community, which numbered 386 individuals. In November 2013 the Jewish community opened its first synagogue. On January 27, the Jewish Community and the Association of World War II veterans organized the country's fifth annual commemoration of the International Holocaust Remembrance Day.

Trafficking in Persons

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

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in access to employment, education, health care, pensions, allowances, family care and support, buildings, information, air travel, and road and railway transportation. The country's poor physical infrastructure and limited ramp access to public buildings made these rights difficult to exercise for the approximately 60,000 persons with disabilities. Societal discrimination further limited their ability to exercise these rights, and authorities did not actively prosecute such discrimination.

While authorities generally enforced the requirement that new public buildings include access for persons with disabilities, most buildings, including public buildings, hospitals, and public transportation, were older and lacked access. Although election laws specifically mandate that polling places be accessible to persons with disabilities, the majority of polling stations were not accessible.

Although legal support for persons with disabilities has improved and their visibility has increased, they remained among the most vulnerable members of society. Persons with disabilities hesitated to institute legal proceedings for the infringement of their rights because of their belief that judges are not educated enough to understand their problems and because of adverse outcomes of previous cases. According to the 2011 census, 11 percent of the population had difficulty performing everyday activities due to illness, age, and disability. The Ministries of Health, Labor and Social Welfare, Education, Finance, Justice, Human and Minority Rights, Sustainable Development, Traffic and Tourism, as well as the Secretariat for Legislation, the State Employment Agency, and five NGOs provided assistance and protection in their respective spheres.

Despite these efforts discrimination against persons with disabilities persisted. NGOs contended that the government was significantly behind in implementing its action plan to integrate persons with disabilities into society. The government did not consistently implement regulations intended to provide protection, encourage employment, and secure housing for persons with disabilities. Although persons with disabilities were entitled to health care within the general health-care system, some NGOs claimed that the responsible agencies often did not deliver care in a satisfactory manner. Disability allowances did not cover the cost of living. The Association of Paraplegics of Podgorica initiated an EU-funded project “Taxis for Persons with Disabilities” to make public transport more accessible.

Persons with disabilities had difficulty obtaining high-quality medical devices to facilitate their mobility and other orthopedic aids through health and social insurance.

There were no legal restrictions on participation of persons with disabilities in civic affairs, but the lack of adequate infrastructure often prevented them from doing so. The ombudsman’s 2012 annual report noted that courts received 12 cases involving discrimination against persons with disabilities. According to the ombudsman, the low volume of cases was attributable to insufficient public awareness of human rights and protection mechanisms related to disabilities.

Services to children with mental and physical disabilities at the local level remained inadequate, according to NGOs. Associations of parents of children with disabilities were the primary providers of these services. Their professional development and continuity were often limited by funding tied to specific projects that forced them to shut down after such projects ended. Parents of children with disabilities faced many obstacles to providing education and basic services for their children.

Education for children with mental and physical disabilities remained inadequate. There was a widespread perception that children with disabilities were ill and should be institutionalized and separated from other children. Children with disabilities attended primary and, to a lesser degree, secondary schools in both regular schools and specialized schools for children with disabilities. There were three specialized schools, two in Podgorica and one in Kotor.

The number of children with disabilities who attended regular schools rose during the previous five years. As of October 2013, 1,075 children with physical and mental disabilities attended school together with other children. The government continued to encourage inclusive education and trained 120 teachers to work with children with disabilities in 2013. Nevertheless, many schools lacked adequate infrastructure for students with physical disabilities. At the university level, only two faculties were accessible to students with disabilities.

Many parents of children who had problems integrating into schools turned to the ombudsman for help. The ombudsman recommended that schools provide assistants for children with special needs. During 2013 the government funded training for 176 such assistants and assigned 171 assistants to the schools. The government continued to implement its plan to construct day-care centers for younger children with disabilities as an alternative form of care in all 21 municipalities. By year's end eight centers were in operation. In 2013 the centers accommodated 113 children.

Employment opportunities for persons with disabilities were limited. Advocates noted that the training programs for persons with disabilities were too few to contribute significantly to their economic integration. Neither governmental entities nor private employers hired many persons with disabilities. In 2013, 39 private sector companies employed 61 persons with disabilities. Authorities provided incentives to private employers who hire persons with disabilities and required those who failed to meet established hiring quotas to contribute to a Fund for Professional Rehabilitation and Employment of Persons with Disabilities. The

State Employment Agency organized the fund as a separate program with an annual budget of two million euros (\$2.5 million). Employers often preferred to pay the contribution than meet the quota (also see section 7.d.). The allegedly nontransparent use of the fund continued to be a source of controversy and possible malfeasance. According to the NGO Association of Young Persons with Disabilities, 75 persons with disabilities were studying in domestic private and state universities, compared with three in 2001. In September authorities accepted the association's request that the state university exempt persons with disabilities from paying tuition for the academic year. The NGO Association of Young Persons with Disabilities continued a project to provide trained guide dogs to visually impaired individuals, and two persons were waiting for such dogs. The NGO also started the country's first web portal for persons with disabilities.

Medical care for persons with mental disabilities remained inadequate. Officials often placed such persons, as wards of the state, in outdated and underfunded facilities. Institutionalization perpetuated stigmatization. Reporting on its 2013 visit to the country, the CPT mission noted that living conditions in the Dobrota Special Psychiatric Hospital were inadequate and unchanged from its 2008 visit. With an official capacity of 241 beds, the hospital accommodated 250 psychiatric patients at the time of the 2013 visit.

National/Racial/Ethnic Minorities

The constitution does not specifically mention persons of Roma, Ashkali, and Egyptian ethnicity, although it mentions a number of other ethnic or national groups. Roma, Ashkali, and Egyptians experienced societal discrimination and had limited access to social services. According to the 2011 census, almost 50 percent of primary school children from these communities remained segregated from other children.

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

Romani, Ashkali, and Egyptian children experienced both official discrimination and societal discrimination by peers in school. For example, the Bozidar Vukovic primary school continued to maintain a remote segregated facility in the Konik refugee camp in Podgorica attended only by Romani, Ashkali, and Egyptian students. To address the problem, the government provided transportation to 270 Romani children from the Konik camps to attend six schools in town.

In February the UN Committee on Elimination of Racial Discrimination reported that Roma and Egyptians lacked the basic resources for living and cited educational difficulties and begging as the group's major problems. The report also voiced concern about IDPs from Kosovo who continued to live in deplorable conditions in the Konik camp. During the 2010-11 academic year, the primary school dropout rate for students belonging to the Romani, Ashkali, and Egyptian minorities was approximately 50 percent.

While Romani NGOs and community leaders described the primary school dropout rate as static, there was some progress in enrolling students from these communities in secondary schools. The number of Romani secondary students rose from 63 in 2012 to 82 in 2013. Only 15 Romani students attended university in 2013. According to a June 2013 study by UNICEF, the main obstacles to education for students belonging to these minorities were poverty, substandard housing, poor parental education, discrimination, and early marriage. In February the Roma National Council began a project to introduce the Romani language as a subject in schools for Roma.

Societal prejudice against Roma, Ashkali, and Egyptians was widespread, and local authorities often ignored, or tacitly condoned, it. Unlike other minorities these groups generally did not participate in politics and lacked political representation. The Roma National Council asserted that amendments to the electoral legislation adopted on March 21 failed to ensure political representation of Roma in the national parliament and described the amendments as a typical example of selective justice and "double standard" policy. At year's end there were three Roma in the central administration, six temporary interns in the local governments, and none in local government bodies.

According to the Ministry of Human and Minority Rights, the greatest disadvantages facing these groups were poverty, low levels of education, unemployment, ethnic stereotypes, and their nomadic lifestyle. In 2012 the government introduced subsidies aimed at encouraging private entrepreneurs to hire Roma, Ashkali, and Egyptians. Between 5 and 7 percent of the Romani,

Ashkali, and Egyptian population were employed, while another 1,118 (of whom 471 were women) were registered with the state employment agency as seeking work. According to a March study on the social protection and employment of Roma and Egyptians, carried out by the Center for Democracy and Human Rights, government measures to assist these communities had not achieved concrete results apart from the collection of statistics. Most employed Roma worked as sanitation workers or at other jobs generally considered undesirable. Roma lacked opportunities for training, marketable skills, or relevant work experience to participate in the formal economy.

Authorities continued to implement an action plan under its commitment to the 2005-15 Decade of Roma Inclusion. Its goal was to further the integration of Roma, Ashkali, and Egyptians, but poor access to education, employment, health care, and housing persisted, and they continued to face difficulty resolving their legal status.

There were isolated instances of graffiti targeting Roma, Muslims, and Albanians. Roma reported widespread societal discrimination. NGOs reported that employers often denied Roma job opportunities (also see section 7.e.). Stereotypes and discriminatory language regarding Roma were widespread.

The leaders of other ethnic minority communities continued to allege that they were underrepresented in the parliament, government administration, the judiciary, and government-owned economic enterprises. A July 2013 study by the Ministry of Human and Minority Rights showed a large imbalance in the ethnic distribution in some categories of public sector jobs. Ethnic Montenegrins, who constituted less than half of the population, held 60 percent of public sector jobs, Serbs held 19 percent, Bosniaks 6 percent, Albanians 3.8 percent, Muslims 2.5 percent, and Croats 0.8 percent. According to the 2011 census, 44.9 percent of the population identified themselves as Montenegrins, 28.7 as Serbs, 8.7 as Bosniaks, 4.9 as Albanians, and 3.3 as Muslims.

On May 12, Albanians in Martinaj, near Gusinje, protested the construction of a Serbian Orthodox church in their community. They described the construction of the SPC church in an area solely populated by Albanians as a provocation. In May 2013 police arrested 22 ethnically Albanian Muslims after they tried to stop the construction. The SPC stated that it owned the land where the construction was taking place. During the year local ethnic Albanian parties expressed displeasure with the arrests, but the government stated that the police were enforcing a court ruling that permitted the SPC to build on the property.

Some Albanian groups claimed that authorities' refusal to organize a consultative referendum on their request that the Tuzi area of the Podgorica municipality become a separate municipality constituted discrimination against them. They also criticized the Ministry of Education for an insufficient focus on Albanian content in the history, musical education, and geography curricula taught in schools for Albanian students and the fact the students did not use the Albanian alphabet.

Albanians and Bosniaks in the northern and southern parts of the country frequently complained they were victims of central government discrimination and economic neglect. A few activists alleged that this disparity was an intentional policy designed to compel them to leave the country in search of economic opportunity.

Ethnic Serbian politicians claimed that the government failed to respect a 2011 agreement signed by the government and opposition parties that provided for teaching the Montenegrin, Serbian, Bosnian, and Croatian languages (all dialects of Serbo-Croatian) in schools. They stated that the relevant commission failed to develop a program for Serbian and other languages.

The government supported national councils intended to represent the interests of ethnic minorities for Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma. NGOs, legal watchdogs, and the media continued to accuse the government of misappropriating money from a fund established to finance the national councils, a dispute that has persisted for many years, creating the appearance of corruption, particularly in connection with the Serbian National Council. On April 21, the Supreme Court upheld a December 2013 decision of the Administrative Court that confirmed the legitimacy of the founding assembly of the Serbian National Council. The state auditor general noted that during 2013 the fund misappropriated 227,000 euros (\$284,000) of the 353,000 euros (\$441,000) designated for the fund. The Civic Alliance continued to claim irregularities in the distribution of funds to the councils, describing the fund's major problems as conflicts of interest, the illegal selection of projects, and nontransparent work. The Civic Alliance called on the state prosecutor and the state auditor general to take action and on the parliament to disband the councils.

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

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

Despite government efforts to improve the position of the LGBT community, LGBT persons and their supporters experienced continued societal discrimination, ostracism, public hostility, and multiple incidents of violence. Negative public perception of LGBT persons led many of them to conceal their sexual orientation, although there was a trend toward greater visibility as LGBT persons came out to their families and colleagues. LGBT activists stated that members of the community did not report some violent attacks against them to police because the victims were afraid of further victimization generated by their complaints. Hostile individuals used social media and LGBT dating sites to attack and bully known and suspected LGBT persons anonymously. In May the victory of a gay Austrian man in the Europe-wide Eurovision song contest led to an increase in hate speech against LGBT persons on web portals in the country.

Two domestic NGOs, LGBT Forum Progress and Queer Montenegro, focused solely on the rights of the LGBT community, but other human rights NGOs also dealt with LGBT rights. A newly formed LGBT NGO, Social Center, ran an LGBT club and organized social events for the LGBT community. During the first nine months of the year, LGBT Forum Progress ran a shelter for LGBT persons. The NGO Juventas operated an LGBT emergency hotline and ran a drop-in center that provided support, workshops, and medical and psychological assistance to LGBT individuals.

A pride parade with approximately 200 participants, including Minister for Human and Minority Rights Suad Numanovic, took place on November 2, in Podgorica. There were no violent incidents. An estimated 1,800 police officers guarded the event. Police brought in approximately 80 individuals for questioning and confiscated dangerous items such as Molotov cocktails from 16 persons.

LGBT Forum Progress stated that violence against LGBT persons was on the rise, in part because previous attacks remained unsolved or perpetrators received mild penalties. On March 1, a youth from Podgorica attacked a representative of Forum Progress and one other LGBT person, injuring them slightly. Authorities arrested the perpetrator and subsequently released him. The NGO Human Rights Action asserted that an atmosphere of impunity regarding hate crimes against members of the LGBT community encouraged such behavior. On May 21, unknown persons physically attacked a prominent LGBT activist outside his apartment building.

While the Ministry of Human and Minority Rights condemned the attack, the perpetrators remained at large.

On April 26, LGBT Forum Progress cancelled a planned performance and demonstration against homophobia in Bar after police informed the NGO that event security would require 600 police officers and cost more than 30,000 euros (\$37,500), beyond the capacity of Bar's police budget.

On June 2, the Podgorica Basic Court announced its verdict in the trial of two individuals accused of a 2012 attack against producers of a 2011 LGBT rights commercial. The judge found Nikola Raznatovic guilty and sentenced him to three months in prison but acquitted Drasko Mirkovic. The 2011 commercial featured the country's first publicly displayed kiss between two men.

LGBT Forum Progress criticized prosecutors for "selective justice" and an inadequate response to acts of violence against LGBT persons, which they alleged encouraged perpetrators to continue verbal attacks, assaults, and death threats against them.

Police charged tens of secondary school students with misdemeanors for aggressive behavior towards LGBT persons during two parades in 2013, but the prosecutor failed to bring charges against the individuals.

During the year three persons were waiting for the operation to change their gender. The state health fund pays 80 percent of the operation costs.

The government and several senior leaders affirmed support for LGBT rights. Approximately 60 police officers completed training on appropriate conduct towards LGBT persons. Every police station had an officer whose duties included monitoring observance of the rights of LGBT persons.

HIV and AIDS Social Stigma

Prejudice against persons with HIV/AIDS continued due, among other things, to a lack of knowledge about the disease. The NGO Juventas and the Montenegrin HIV Foundation stated that persons with HIV/AIDS were stigmatized and experienced discrimination, although most discrimination was undocumented. Observers believed that fear of discrimination, societal taboos relating to sex, and the lack of privacy of medical records prevented many persons from seeking testing for HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to organize, join trade unions, bargain collectively, and conduct legal strikes. 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 right to strike is restricted for those with security-related responsibilities and other public servants whose absence from work would jeopardize public interest, national security, safety of persons and property, or the functioning of the government. The law prohibits members of the armed forces from joining trade unions. Employers may unilaterally establish minimum service requirements if negotiations with trade unions lead to agreement.

The law restricts smaller trade unions from equal representation; only the trade union with the largest membership can be party to collective bargaining. By law collective bargaining agreements cover only the registered workforce. Although available by law, collective bargaining remained at a rudimentary level, and the government remained a party to the negotiations at a national level.

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

Administrative and judicial procedures were subject to lengthy delays and appeals, sometimes taking years before resolution. From 2010 to July, the Agency for Peaceful Resolution of Labor Disputes (under the Ministry of Labor and Social Welfare) reviewed 6,929 cases and managed to reach compromise between the parties in 5,723 (82 per cent) of them. Most disputes were over allegations of unlawful dismissal, unpaid contributions for social insurance, and other administrative problems. According to media reports, in many instances employers failed to abide by the agency's decisions.

None of the protections available to legally registered workers applied to unregistered workers, many of whom came from abroad and were not covered by employment agreements. According to the press, employers engaged 15,000-

30,000 domestic and foreign unregistered workers during the summer season, primarily in construction, trade, tourism, agriculture, and catering.

The government respected freedom of association. Workers exercised their right to join a union and bargain collectively. For instance, on March 20, following 18 months of negotiations, the government, Confederation of Trade Unions, Union of Free Trade Unions, Ministry of Labor and Social Welfare, and Union of Employers signed a new collective agreement which regulates terms and conditions of employment. The two-year agreement permits employers to terminate employment summarily in the event of a major violation of employers' rules as outlined in the agreement. Observers noted that internal skirmishing within the Confederation of Trade Unions, one of the two representative trade unions, distracted union leaders and limited the organization's effectiveness in fighting for worker's rights.

On September 3, the Union of Free Trade Unions expressed its concern over pressure and threats that some school principals made against its members who supported a teachers' warning strike organized by the Branch Union of Employees in Education before the start of the school year.

Management and local authorities blocked worker attempts to organize strikes on many occasions by declaring them illegal, and there were reports from both private and public sector employees that employers threatened or otherwise intimidated workers engaged in union organizing or in other legal union activities. In some cases private employers reduced or cut employee salaries and dismissed some workers for union activities. For example, the new ownership of an aluminum plant fired the leader of the plant's trade union, Rade Krivokapic. His firing was reportedly a condition for completing his purchase of the plant. Workers who successfully challenged their dismissal in court could wait years before they regained employment due to extensive court delays.

Workers in privatized or bankrupt companies had outstanding claims for back pay and severance. Several local governments failed to pay their staffs for months. Unpaid wages, factory closures, and growing poverty led to large-scale strikes.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, but there were reports of forced labor in the construction sector and of children subjected to occasional forced begging by their families (see section 7.c.).

The law specifies a maximum of 10 years' imprisonment for forced labor and is sufficiently stringent compared with penalties for other serious crimes. Authorities made minimal efforts to investigate, identify victims, or prosecute offenders for the crime of forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

The Labor Inspectorate, the Ministries for Labor and Social Welfare, Internal Affairs, Health, Justice, and Education and the ombudsman's deputy for the rights of the child were responsible for enforcing child labor laws. The government made efforts to strengthen legal protections for children, adopting amendments to the labor law that increased penalties for labor violations, including increased fines for labor violations involving children. The law specifies fines ranging from 2,000 to 20,000 euros (\$2,500 to \$25,000) for violations of these provisions. The Labor Inspectorate lacked sufficient and adequately trained staff, office space, and financing. The Labor Inspectorate did not have any child labor inspectors and investigated compliance with the child labor law only as part of a general labor inspection regime. The government did not collect data solely on child labor. Apart from forced begging, inspectors did not report any violations of child labor laws.

Child labor occurred in villages, where children usually worked in family businesses and agriculture. Romani children worked chiefly during the summer, typically washing car windows, chopping firewood, loading trucks, collecting items such as scrap metal, selling old newspapers and car accessories, or working alongside their parents as day laborers. Many internally displaced Romani children who lacked either birth or citizenship documentation were forced to engage in begging or manual labor. Police asserted that the practice constituted isolated family begging rather than organized begging. Begging was readily observable in the country, particularly in Podgorica and the coastal areas during the

summer. Police claimed that most of the children engaged in begging came from Kosovo and Serbia. Police seldom pressed charges against the adult perpetrators. They placed child victims 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

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

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination based on race, sex, gender, disability, language, sexual orientation, religion, age, pregnancy, health conditions, nationality, marital status, social status, political or other affiliation, and membership in political and trade union organizations. Nevertheless, there were instances of discrimination based on most of these factors.

There were instances of discrimination against unregistered domestic and foreign workers (see section 6). Women were at times subject to discrimination based on their marital status, pregnancy, and physical appearance. Employers did not respect all of their legal obligations toward pregnant women, and sometimes reduced their responsibilities or fired them after they returned from maternity leave.

e. Acceptable Conditions of Work

According to the National Statistics Office, the average net salary in August was 473 euros (\$591); the monthly food basket of basic items cost 790 euros (\$988). The national monthly minimum wage was 193 euros (\$241). The government set the absolute poverty line at 186 euros (\$233). The government's statistics office estimated that 8.6 percent of the population, or 54,000 individuals, lived below the poverty line, compared with 11.3 percent in 2012. Nearly 18 percent of citizens in the north lived below the poverty line, compared with 6.3 percent in the central and 6.4 percent in the southern parts of the country. Significant portions of the workforce, particularly in rural areas and in the informal sector, earned less than the minimum wage.

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

The Labor Inspectorate is responsible for enforcing minimum wage, hours of work, and occupational health and safety laws but did not do so effectively in either the formal or informal sectors. Of 23 inspectors who performed labor-related and employment inspections, only nine conducted workplace safety inspections. Resources, remediation efforts, and investigations were not adequate to identify, enforce, or prevent violations in either the formal or informal economies. Penalties for violation of wage and hour rules consisted of minor fines and were insufficient to deter violation. Penalties for violation of occupational health and safety standards ranged from a fine to a one-year prison sentence and were generally sufficient. Labor inspectors have the legal authority to close an establishment until it corrects violations or to fine owners who commit repeated violations. Inspectors found violations involving employees without contracts, inadequate compensation, failure to pay worker contributions to social funds, lack of labor permits, failure to observe holidays, and lengthy working hours. During the first eight months of the year, inspectors found 5,155 irregularities and levied 2,801 on-the-spot fines for lesser violations and 26 fines for failure to pay previous fines. Inspectors found the most irregularities in the catering, tourism, and construction sectors. The Labor Inspectorate also received 12 allegations of harassment at work. A 2013 survey conducted by the NGO Rule of Law suggested that labor inspectors selectively inspected small and middle-sized companies that were solvent and able to pay fines. Other critics noted that the labor inspectorate neglected to investigate or inspect large companies or politically affiliated organizations.

There were reports of employees of private companies working on holidays. The Ministry of Economy reported that due to unclear language in the law, it could not precisely identify the workers to which the law applied. 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 or to forgo their rights to weekly and annual leave. Employees often failed to report such violations due to fear of repercussions. Employers

sometimes failed to pay the minimum wage, other employee benefits, or mandatory contributions to pension funds. The most common abuses of workers' rights usually occurred in private companies and included work performed without a contract or residency permit, nonpayment of salaries and social contributions, excessive overtime, work during holidays, unpaid taxes, and extended working hours.

Employers often preferred to engage employees on a temporary basis. Private employers sometimes hired workers for a "trial period" lasting several months and then fired them before the trial period ended. They would then hire new workers and repeat the cycle. The use of temporary workers continued to be a major problem between trade unions and employers, since employers had considerable advantage over the terms of employment of such workers, particularly with regard to pregnant women, older workers, and those with disabilities.

The law restricts temporary employment to two years and envisages engagement of workers through staffing agencies. In an exception employers are not obliged to provide permanent employment after two years to childbearing women who spent a part of that time on maternity leave. There were many examples in which employers, both in public and private sectors, failed to extend permanent employment after two years of uninterrupted employment. Employees with temporary contracts did not have the same benefits as those with permanent employment.

In 2013 the Labor Inspectorate discovered 5,366 individuals working in the informal economy, of whom 3,429 were foreign nationals. An estimated 35,000 persons worked in the informal economy. Approximately 170,000 persons worked in the formal sector.

High unemployment rates coupled with the fear of losing one's job, a backlogged court system, and the lack of effective legal protection, continued to serve as a disincentive to filing complaints. There were reports that employers blackmailed or threatened the workers who were seeking better work conditions or better pay. In April 2013 the director of the Social Center of Kolasin fired Svetlana Medenica, who worked in the Social Center in 2012 and 2013 without a valid labor contract, after she had reported her case to the labor inspection authorities. The case was pending at year's end.

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

maintenance of machinery and tools at construction sites increased the risk of injury. In the first nine months of the year, there were seven deaths and 29 serious injuries. Employment in construction, energy, wood processing, transportation, and heavy industry presented the highest risk of injury. The most frequent reasons cited for injuries were the expense of safety equipment, lack of work-related information and training, inadequate medical care for workers, and old equipment.