



YOUTH INITIATIVE FOR HUMAN RIGHTS  
INICIJATIVA MLADIH ZA LJUDSKA PRAVA  
NISMA E TË RINJVE PËR TË DREJTAT E NJERIUT

## I QUARTERLY REPORT ON THE STATE OF HUMAN RIGHTS 2011

### I Previous information

The first quarterly report prepared by Youth Initiative for Human Rights (YIHR) is related to the period from January 01 to April 01, 2011. In its work, YIHR used techniques of researching on the terrain, press clipping, analysis, interviews, and SOS phone line. YIHR has been conducting monitoring of human rights in Montenegro for the fifth year in a row and until nowadays, YIHR has published five annual reports and more quarterly reports that are available for public on website [www.yihr.me](http://www.yihr.me). This report includes areas we identified as concerning ones through our work and the accent is on the state of human rights in practice while more detailed legal analysis of human rights standards is being prepared for the annual report. The report is prepared by YIHR team with financial and expert support of Civil Rights Defenders (former Swedish Helsinki Committee). Cooperation with YIHR offices from the region, CAZAS, UNICEF, and UNHCR was achieved while this report was written.

Court for Human Rights in Strasbourg rendered one more verdict against Montenegro. It was the verdict from March 8, 2011, Živaljević against Montenegro and it was the fourth verdict against Montenegro.

Prime Minister Igor Lukšić started consultations on the most important issues and problems in the state on January 12, 2011 with representatives of nongovernmental organizations, which NGO representatives assessed as the new beginning of cooperation of the Government and NGOs. The Government of Montenegro adopted the Action plan for implementation of European Commission recommendations on February 17, 2011. Before adoption of the Action plan, four round tables were organized in the frame of public debate. On March 17, 2011, the Government adopted the first report on fulfillment of EC recommendations.

During this quarter, two more reports on the state of human rights in Montenegro were published. Freedom House published the report on freedom during 2010, on January 13, 2011 ([http://www.freedomhouse.org/images/File/fiw/FIW\\_2011\\_Booklet.pdf](http://www.freedomhouse.org/images/File/fiw/FIW_2011_Booklet.pdf)). According to Freedom House Report, Montenegro is free country. Freedom House assessments are based upon political and civil rights. Therefore, Montenegro received the overall index 2,5 i.e. political rights had assessment 3 and civil 2, at the scale from 1 to 7, where smaller number means larger freedom.

The Office of Ombudsman submitted the Report for 2010 to the Parliament, on March 31, 2011. The Report stated that out of the overall number of complaints upon which the procedure was finished in 2010, the most complaints were related to the work of courts – 146, work of public bodies, bodies of public administration, administrative and other organizations – 133, work of public services and other bearers of public competencies – 63, work of bodies of local self-government and local municipal administration – 33, work of Public Prosecution Office – 8, work of bodies for conducting misdemeanour procedure – 2, and work of bodies, services, and bearers of public competencies in other states, companies, other legal entities, entrepreneurship, physical entities, etc – 67.

## II Institutional framework in the area of human rights

**Ministry for human and minority rights** – Priorities of the Ministry in the first hundred days of work of the new Government were implementation of Law on Protector of human rights and freedoms, promotion of Law on prohibition of discrimination, and the report on implementation of the Charter on regional and minority languages, published the Ministry on its website on January 19, 2011. Considering that the process of adoption of the new Law on Protector of human rights and freedoms is in course, it stays unclear whether this goal has been set for the old or new Law which is in the process of adoption. If the goal is related to the new Law, it was important to set the goal for its adoption. The Ministry has not started with public promotion of Law on prohibition of discrimination yet. For the first hundred days of work of the Government, the Ministry only fulfilled the third goal, Report on implementation of European Charter on regional and minority languages, which was adopted on February 24, 2011 by the Government. The text of the Law on Protector of human rights and freedoms, which was withdrawn from parliamentary procedure at the end of 2010, was amended and the Government passed Proposal of law on March 17, 2011, while its adoption in the second quarter at the Parliament is being expected. During the first three months in 2011, the Ministry conducted its activities in the area of rights of ethnic and language minorities, gender equality, rights of women and family violence.<sup>1</sup> The Budget of the Ministry for 2011 is 1.260.787.21 EUR.

**Protector of human rights and freedoms (Ombudsman)** – According to Proposal for new Law on Protector of human rights and freedoms, competencies of the Office shall be expanded, thus, Ombudsman shall implement the Law on prohibition of discrimination, and shall be the National mechanism for the prevention of torture. Adoption of the new Law is being expected in the second quarter. YIHR had intensive cooperation with Protector and other employees in the Office. The Budget of the Protector of human rights and freedoms for 2011 is 485.945.97 EUR.

**The Parliament of Montenegro** – Parliamentary Board for human rights and freedoms had five sessions in this quarter. On February 3, 2011 the Board had expanded session where representatives of the Government and NGO sector were present. At this session, they discussed on the proposal of the Plan of activities of the Board until October 2011. On February 25, 2011, the Board analyzed the Initiative for depose of Ferhat Dinoša, Minister for human and minority rights, for homophobic statements he expressed during 2010, which was submitted by 17 NGOs. The conclusion saying that Minister Dinoša should declare himself on the status of LGBT population in Montenegro was adopted at the session, and Minister Dinoša did it at the session which took place on March 11, 2011. Minister Ferhat Dinoša, Ombudsman Šučko Baković, and Ivana Vujović, representative of 17 NGOs, were present at this session. At the session, Minister Dinoša said that Montenegro would act towards all, and even towards sexual minorities, in European manner, and that one should be cautious about affirmative action because it can only be applied when national minorities come in issue. Ombudsman Šučko Baković indicated that when affirmative action comes in issue upon Montenegrin positive regulations, and according to the Constitution, it can be applied to representatives of sexual minorities. After the requirement of NGO to resign, Minister Dinoša said he would not do that. The Board adopted the conclusion saying that it has been expected the respect of differences and adoption of all socially vulnerable groups. In this quarter, the Board did not act and did not declare itself upon the requirement and afterwards upon the urgency of the Trade union organization of the Army of Montenegro (SOVCG) for their reception and taking into consideration problems they have been facing after trade union organizing.

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<sup>1</sup> Information from the website of Ministry for human and minority rights

**Council for civil control of Police** – On December 31, 2010, the Parliament of Montenegro appointed new members of the Council. The Budget of the Council for 2011 was reduced for 50%. Members of the Council reduced their monthly fees from 950 EUR to 425 EUR due to the budget reduction. YIHR required from the new Council to appoint the meeting aiming at improved communication and cooperation which replied positively and in the following period we expect concrete activities in that aim. YIHR required publicly from the Council to initiate activities on improving the provision of information to citizens on their work. In that manner, the Council would be more accessible to citizens. YIHR required from the Council to publish reports on its work publicly and to be more accessible to public.

**Fund for minorities** – The Parliament of Montenegro established Fund for minorities. The mandate of the Fund is to support activities important for preservation and development of national or ethnic characteristics of minority population and other national minority communities and their representatives in areas of national, ethnic, cultural, language or religious identity. Managing Board of the Fund, allocated funds for projects for 2010, in a nontransparent manner. Besides nontransparent decision on allocation of funds of Fund for minorities, YIHR thought that some members of the Board were public functionaries and that they violated Law on conflict of interests by allocating funds of the Fund to organizations and institutions where they had positions in managing structures. Therefore, YIHR submitted the initiative for taking into consideration whether members of the Managing board of Fund for minorities: Miroslav Marić, Šukrija Cikotić, Avdul Kurpejović, Muhamed Uković, Musa Đoka, and Momčilo Vuksanović violated Law on conflict of interests as public functionaries. The Commission considered the initiative of YIHR and defined that the above mentioned members of Managing Board were public functionaries and that they should not submit public interest to private. At the end of 2010, Managing Board made decision and allocated funds to organizations and institutions, where members of Managing Board of Fund for minorities were in their managing organizations, while they also allocated more projects to some organizations. However, besides public invitations of large number of NGOs and individuals to Parliament of Montenegro to execute the control of manner of allocation of 850.000 EUR OF Fund for minorities, they did not react. The Budget of the Fund for 2011 is 947.413.24 EUR. In this quarter, National Audit Institution controlled the work of the Fund.

**Center for preservation and development of culture of minorities** - Center for preservation and development of culture of minorities is the institution established by the Government of Montenegro aiming at improvement of minority rights in the area of culture, and to encourage preservation, development of culture of minorities in that manner. The Budget for 2011 is 214.000 EUR.

### **III Facing past**

Passive relations of the state and competent institutions in issues such as the process of facing past have been continued in the first quarter. Processes before national judicial bodies until nowadays have not given result in the sense of sanctioning the responsible ones for crimes which had happened at the territory of Montenegro by judicial punishments. Until nowadays, investigations have only included the lowest ones in the chain of responsibility, while investigations omitted the responsible ones upon command line and order issuing authorities. Earlier, for war crimes which happened in Bukovica, Higher court in Bijelo Polje acquitted all accused persons on December 31, 2010. These persons were accused for inhuman treatment towards civilians – Bosniaks and Muslims at the territory of Bukovica, causing severe suffering, endangering their health condition and physical integrity during international conflict in Bosnia and Herzegovina in 1992 and 1993.

One acquittal verdict was rendered in this quarter. Namely, for the war crime – deportation of Bosnian refugees during 1992, from the territory of Montenegro, Branko Bujčić, Sreten Glendža, Milorad

Šljivančanin, Božidar Stojović, Boško Bojović, Milisav Marković, Radoje Radulović, Duško Bakrač, and Milorad Ivanović were accused. According to indictment, in May 1992, illegal replacement of BiH citizens, who had the status of refugees, had been conducted. The indictment also stated that deportation was executed after orders of Pavle Bulatović, former Minister of internal affairs. Continuation of the trial took place on January 20, and on February 8, 2011. Higher court in Podgorica made decision on February 8, 2011 that Milo Đukanović, former Prime Minister and Svetozar Marović, former member of Presidency of the Republic of Montenegro would not testify. Therefore, trial for deportation was finished and Judge Milanka Žižić appointed final words for February 15, 2011. As the Deputy of Special prosecutor Lidija Vukčević changed the indictment, she required delaying of final words which was adopted by the Council of judge Milanka Žižić and expressing of final words started on February 22, 2011. The trial for deportation finished on March 1, 2011, when accused persons expressed final words. The verdict was rendered on March 29, 2011 and all accused persons were acquitted due to lack of evidences. Representatives of NGO, politicians and other individuals assessed that Montenegrin institutions did not have enough capacities for facing past, that indictment did not include real and all responsible persons for crimes thus, such decision of the court was not in accordance with international standards and than Montenegro did not want to face with the war past in real manner.

Trial for war crime Kaluđerski laz continued on March 4, 2011, in Higher court in Bijelo Polje. Then, court session was delayed for April 12, 2011 when evidences shall be presented and hearing of witnesses. War crime in Kaluđerski laz happened in 1999 at the territory of municipality Rožaje. The first accused Predrag Strugar, although arrested in Serbia still has not been extradited to authorities in Montenegro. Strugar was in escape until signing of interstate agreement between Serbia and Montenegro. Remaining seven accused, who were at the lowest level of decision making at the time when the war crime happened, are under detention. In April 1999, in Kaluđerski laz near Rožaje, 23 Albanian civilians were murdered, and among these people were children, women and old people.

For war crime that was committed in military camp Morinj, Special council of Higher court in Podgorica in May 2010 pronounced the first instance verdict by which six representatives of former Yugoslavia People's Army (JNA) were sentenced to 16 and a half years imprisonment for war crime against war prisoners. Mladen Govedarica was sentenced to two years imprisonment, Zlatko Tarle to year and a half imprisonment sentence, Ivo Gonjić two and a half, Špiro Lučić three and a half, Boro Gligić three years imprisonment sentence and Ivo Menzalin was sentenced to four years imprisonment sentence for the criminal offence war crime against war prisoners in Morinj camp. As stated in indictment, they ordered and tortured, treated in inhuman and degrading manner and inflicted severe suffering to prisoners and civilians, who were brought from Dubrovnik. However, in the second instance procedure before the Court of Appeal in Podgorica, and according to appeal of accused ones, decision on the new trial in this procedure was made, meaning that the trial shall take place again in Higher court in Podgorica as the Court of Appeal abolished the first instance verdict. On March 2, 2011, the Police in Podgorica arrested Ivo Menzalin at the airport in Podgorica. A warrant was issued for Ivo Menzalin in 2008, for criminal offence war crime. The verdict incriminating him for committing torture, inhuman and degrading treatment, inflicting severe suffering and bodily injuries to war prisoners and civilians, who were brought from the territory of Dubrovnik in Center for prisoners in Morinj, as the representative of the reserve composition of Yugoslav People's Army during the period from October 3, 1991 until August 18, 1992. Continued trial to accused persons for war crime committed in the Center for war prisoners in Morinj has been appointed for April 12, 2011.

Commemoration in Bijelo Polje, on February 27, 2011, marked 18<sup>th</sup> annual of kidnapping in Štrpci. On February 27, 1993, in Štrpci, from the train number 671 from Belgrade to Bar, 20 persons were taken out from the train, and 19 of them were of Islam nationality. After violations they were murdered and the search for their corpses has still been lasting. Until nowadays, corpses of only three murdered passengers were found. Only Nebojša Ranisavljević was sentenced to 15 years imprisonment for the crime committed

in Štrpci over civilians of Islamic nationality, and his punishment expires on October 19, 2011. During the trial, it was defined that the organizer of this crime was Milan Lukić who was sentenced to life imprisonment in Hague for war crimes committed during 90s, but he has never been subjected to trial. There were no other moves in this process in the sense of identifying, accusing, or passing sentence of other responsible ones and the responsibility of order issuing authorities has not been examined.

## **IV TORTURE, INHUMAN AND DEGRADING TREATMENT**

The Constitution of Montenegro prohibits torture, inhuman and degrading treatment, and for official persons who commit torture, The Criminal Code prescribes five year imprisonment sentence. Convention against torture and other severe, inhuman or degrading punishments or acts prohibits persons on official duty each form of torture and violation.<sup>2</sup> This implies intended infliction of bodily injures, physical and mental torture aiming at extortion of confession or information, making pressure or intimidating on any grounds.<sup>3</sup> Torture is not allowed under any conditions whether it is state of war, or war threat or political instability of the state.<sup>4</sup>

Slow processing of reported cases and small number of final verdicts are still concerning and represent important problem in Montenegro. YIHR registered reported cases of torture and violation in prisons committed even by police officers.

### **Police torture**

In this quarter, YIHR registered three reported cases of police torture, violation, inhuman and degrading treatment and monitored processing of previously reported cases. YIHR also achieved good cooperation with the Police Directorate in this quarter. Agency for protection of personal data made a conclusion that agreements between Police Directorate and mobile operators were opposite to the law and ordered operators to remove irregularities in personal data processing.

**Ministry of internal affairs – Police Directorate** - Ministry of internal affairs and Police Directorate accused each other for obstructing each other's work. Internal Control Department of Police Directorate which is under competency of the Ministry, accused Police Directorate for obstructing their work not allowing them access to electronic data base. On the other hand, Police Directorate accused the Ministry for previously denying Police Directorate to use data base, motor vehicles, fingerprints, and personal documents that are important for the work of the Police. Bojan Obrenović, Director of Agency for Protection of Data on Personality said on March 7, 2011 that Internal control acts in accordance with law when requiring data from Police Directorate.

**Case Pejanović** – Higher court from Podgorica abolished the decision of Basic court which rejected indictment of Pejanović against police officers Bojan Radunović, and Dobrivoje Đuričić. Higher court returned the case to Basic court on repeated decision making process. Pejanović accused these two police officers because they did not report the beating. In June 2010, police officers Ivica Paunović, Milanko Leković, and Milan Kljajević were sentenced to three to five months imprisonment for creating conditions to

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<sup>2</sup> Convention against torture and other cruel, inhuman and degrading punishments or acts, adopted and opened for signing, ratification, and access by Resolution of General Assembly UN no. 39/46 from December 10, 1984. It came into force on June 26, 1987 in accordance with Article 27. Yugoslavia signed and ratified the Convention. It was published in Official Gazette (International agreements) no.9/91

<sup>3</sup> *Ibid*, Article 1

<sup>4</sup> *Ibid*, Article 2

unidentified policemen to beat up Pejanović. In the name of Aleksandar Pejanović, lawyer Dalibor Kavarić submitted criminal charge on March 1, 2011, against NN persons or officers in Basic Public Prosecution Office in Podgorica for committing criminal offence – unconscious work in service and criminal offence - providing assistance to committers after executed criminal act from the Criminal Code of Montenegro.<sup>5</sup> The report stated that NN persons – officers of Basic Prosecution Office in Podgorica have not undertake official actions and competencies during the period from December 15, 2009, when they knew for committed criminal act, until the day of submitting mentioned criminal charge against NN officers. In that manner they created conditions to be unidentified officers of the Police Directorate and to avoid in that manner criminal responsibility for torturing Aleksandar Pejanović from October 31, until November 2, 2008.<sup>6</sup> At the time, Pejanović was taken into custody in police premises of the Police in Podgorica and he received severe bodily injuries. On June 11, 2010, Basic court in Podgorica found guilty three police officers for providing assistance to unidentified police officers in beating up Pejanović into custody. Police officers, who had beaten up Pejanović, have not been identified yet.

**Incident in Berane on November 5, 2007** – On December 10, 2007, Higher Public Prosecution Office in Bijelo Polje rejected criminal charge submitted by Zoran Vasović against Svetislav Barjaktarević, Grigorije Ščekić, Milan Boričić, Željko Došljak, and Vlajko Babović, who were all police officers, for the criminal offence murder in attempt, to the detriment of Zoran Vasović, Nedeljko Peković, and Zlatibor Vrhovac, with explanation that reported act was not the act prosecuted ex officio. On December 18, 2007, Zoran Vasović submitted to Higher court in Bijelo Polje request for conducting investigation against above mentioned police officers for the suspect they had committed criminal act murder in attempt and to pronounce detention to suspected persons. On February 23, 2011, Higher court made decision on conducting investigation against mentioned police officers and rejected to order detention and after termination of investigation, representative of Higher Prosecution Office assumed the case and sent the requirement for conduction of investigation. Vasović required ordering of detention to police officers because, as he claimed, suspected police officers were making pressure or were intimidating him and Nedeljko Peković and members of their families, via their colleagues. Therefore, Vasović stated that the Police searched them when they left the building of the Higher court on a day of hearing, near the building of the court, which was documented by photography taken by a journalist. Vasović then said that police officers were searching him often even in Berane when he was with his children. At the end of 2010, Vasović reported to YIHR that, while he was with his five years old son, one of the suspect police officers pushed him with his shoulder. This one and other cases were reported to competent bodies. YIHR shall continue to monitor processing of the case before judicial bodies of Montenegro.

Vladimir Šoškić from Berane addressed YIHR office on February 16, 2011 claiming that police officers killed his son in the incident which happened on December 17, 2008 and that Management of the Police Directorate intended to cover up these information. At night, between December 16 and 17, 2008, when he saw a vehicle of his son near the building of the Police in Berane, Vladimir Šoškić came into police premises where policemen told him they had taken into custody Miroslav Šoškić after suspects he possessed narcotics but he afterwards escaped in unknown direction and they were searching for him. The Police said that Miroslav Šoškić died trying to escape from the Police, drowning in the river Lim. Vladimir Šoškić told YIHR researchers he did not believe in the police version and for that reason, on January 13, 2009, he submitted requirement to Higher Public Prosecution Office in Bijelo Polje, on initiating procedure for the purpose of defining circumstances under which his son Miroslav died. On February 16, 2009, Higher Public Prosecution Office informed Vladimir Šoškić that after the insight into collected documentation there were no facts and circumstances that would indicate on conclusion that some specific person is suspect for

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<sup>5</sup> Copy of the criminal report from March 1, 2011 is in YIHR documentation files

<sup>6</sup> On case of Aleksandar Pejanovic see more in YIHR Report for 2008 at the web site [www.yihr.me](http://www.yihr.me)

committing criminal offence for which he would be prosecuted ex officio. Vladimir Šoškić told YIHR researcher that at the end of December 2010, he submitted request to Higher Public Prosecutor in Bijelo Polje for harmonizing medical analysis of doctor Milivoje Stijović and doctor Dragana Čukić who did the examination and autopsy of body of Miroslav Šoškić. Doctor specialist of judicial medicine Zoran Stanković from Belgrade who worked on analysis after requirement of lawyer Radoslav Ivanović who represents Vladimir Šoškić, made the conclusion on differences of analysis. Higher Public Prosecution Office has not replied on this requirement. On March 14, 2011, Vladimir Šoškić addressed Supreme Public Prosecutor Ranka Čarapić to introduce her with the overall case and information he possessed. Until March 27, 2011, when YIHR contacted Vladimir Šoškić, he did not receive the reply from Supreme Public Prosecutor. On February 16, 2011, YIHR required from Internal Control Department of Police Directorate statement on this incident, when Miroslav Šoškić from Berane died. On February 17, 2011, Internal Control told YIHR that in the actual case police officers Z.B. and A.C. failed to undertake official measures and actions because they did not use means of tying and therefore they enable Miroslav Šoškić to escape which ended up with his death. Police officers were disciplinary sanctioned with 25% reduction of their monthly salary.

**Suzana Boljević** is from Podgorica but she works and lives in Rožaje. She accused policemen from Rožaje, Damir Balota and Rašit Murić for sexual abusing on January 10, 2011. Boljević said that her friend E.N. called her between midnight and two hours on January 10, 2011 to come at the police station. At the police station, policemen Balota and Murić beaten her up, said Boljević. After that, as she claimed, Balota took her at the motel near the bus station using force. Boljević said she did not remember anything after that. Day after, at 11:30 a.m. owner of the motel woke her up. She did not have any clothes, and was covered in bruises and her eye was closed completely. Boljević reported this case to media and the Police in Rožaje. Police Directorate stated that police officers from the Police station in Rožaje would file criminal charge to Basic Public Prosecutor in Rožaje against two above mentioned officers for criminal offence torture and violent treatment. Also, it was stated that these police officers were suspended until finalization of criminal procedure.

**Police officer B.K. from Cetinje** was seriously wounded on March 8, 2011, when V.T. shoot at him, as it was suspected. Media announced that family of V.T. in the middle of February 2011, filed criminal charge against police officer B.K. for torturing their brother M.T. The Police demented this and said that M.T. injured himself by slipping when he tried to escape and on that occasion he hit his head on the door-knob.

**Case of Vujisić** – Dejan Vujisić from Podgorica reported the incident which happened on March 25, 2011 in a settlement Dahna, near Podgorica. Namely, Vujisić told he worked as a taxi driver, and that then he drove a girl who paid him with the 50 EUR note for which he afterwards found it was false. When he consulted with the central point of the taxi association, he returned to the house where he drove a girl intending to ask for her and require paying with another note. Several times Vujisić he pressed the siren in a vehicle but no one paid attention. Vujisić then decided on knocking at the door and returning the money. Aco Vukićević showed up at the door who asked him what the problem was. Vujisić explained the problem and said he returned to to ask for the real money. Then, as he said, Aco Vukićević hit him strong and he fell. Vujisić said that then brother of Aco Vukićević started to beat him, and they both brutally beaten him up. Vujisić claimed that father of brothers Vukićević joined them in beating him up, it was Dejan Vukićević who was also policeman. Dejan Vujisić filed charge against brothers and father Vukićević to the police. Family Vukićević also filed criminal charge Vujisić for the criminal act illegal entrance on someone else's property. Basic Public Prosecutor in Podgorica said that Vujisić's charge against Vukićević did not have elements of criminal act but it was misdemeanor.

## **Situation in Bureau for enforcement of penal sanctions (ZIKS)**

Good cooperation and communication between ZIKS and YIHR was achieved in this quarter. On invitation of Management of ZIKS, YIHR representative attended the meeting ZIKS organized on March 25, 2011, with NGO representatives on manners of deepening cooperation. YIHR registered several reported cases that were related to conditions of life there, health treatment and one reported case of degrading treatment.

**Radule Popović** who was on hunger strike in ZIKS in December 2010, required abolition of punishment in order to receive treatment out of ZIKS. He was examined on December 29, 2010, by the council of doctors at the Clinic center of Montenegro. Doctor commission concluded there was no need for Popović to have medical treatment. According to the Agreement on cooperation between ZIKS and YIHR, Management of ZIKS told YIHR researcher that since then Popović has not been on hunger strike.

**YIHR received anonymous report by convicted persons in ZIKS** on January 29, 2011, saying that more than 120 convicted persons from the half-open ward were on hunger strike. Reasons for organizing strike were for not providing parole, inadequate health protection, and accommodation capacities. Media published the information on strike in ZIKS. Management of ZIKS confirmed that prisoners rejected food for the above mentioned reasons. In strike on January 22, 2011, convicted persons talked to Milan Radović, Director of ZIKS and after that they decided to terminate the strike. Radović promised he would improve conditions and medical treatment in future in the following period and that larger number of prisoners would receive parole.

**Convicted person Dragana Goranović-Radović** – reported to YIHR that women face with discrimination in ZIKS. She said they informally found out from officer in ZIKS that replacement of convicted women from the new building, where they were placed then, would be organized in the old building where they were placed earlier. She said that for women who were engaged to work fees were too low and for the open ward on Plantation, only men were planned to work. She added that five women required working on Plantation but they were rejected. YIHR research talked to representatives of ZIKS on statements of Dragana Goranović-Radović. Representatives of ZIKS said that replacement had been planned but only when conditions in the old building reach the same level that new building has. Considering engagement of women on plantations, they emphasized that the will existed, but for legal obligations that men and women had to be separated for technical reasons, conditions for positive responses on these requirements did not exist.

**Family rooms** – Visiting ZIKS, YIHR researchers noted that so called ‘family rooms’ were not adequate and that they were not in accordance with exercising rights to family life. These rooms are not at adequate location, therefore the intimacy is not provided, soundproof is not adequate, hygiene in premises is not at satisfactory level, rooms are not enough ventilated and are damped, and three rooms are not enough for the number of convicted persons in ZIKS.

**Momčilo Miljanić** from Nikšić, said on March 23, 2011 that his brother Rade Miljanić was on hunger strike because the competent ones in ZIKS did not allow him medical treatment out of ZIKS. It was stated that Rade might get blind completely because he was not allowed to go to the surgery in Belgrade which was appointed for February 16, 2011. Representatives of ZIKS, told YIHR researcher that they announced on March 25, 2011 they had communicated with competent judicial persons and that approval of treatment was provided. They added that Management of ZIKS approved 11 treatments from the beginning of the year, out of that institution.

**Case of R.M.** – M.C. and V.M., sisters of R.M., who is prisoner in ZIKS, reported on March 29, 2011 to YIHR researcher that their brother said R.R. security officer in ZIKS, harassed him for earlier private disagreements. On March 31, 2011, according to the Agreement with YIHR, Management of ZIKS sent YIHR office reply on the occasion of these statements. They said that the incident happened on March



29, 2011 when officers of ZIKS carried out detainee R.M. in Basic court in Podgorica. They also added that sister of detainee R.M. tried to come close to him, when she explained she just wanted to greet him, when officers of ZIKS get R.M. in the building of the court. Also, officers of ZIKS who carried out R.M. in the court, prevented that contact. R.M. then addressed officer of ZIKS R.R. asking him why he did not allow him to meet with his sister and asked him again was that for their previous disagreements. Officer told him he was just doing his official duties and that he did not do it for private reasons. Arguing between two of them was interrupted by orders of Head of Security Department. When the court procedure finished, R.M. was returned to prison and when entering the building, searching of persons which is obligatory was conducted, and then they found him a letter in his jacket for which was presumed he intended to give him to his sister on his way to Basic court, said the statement from ZIKS. Head of prison sent the letter to investigation judge and after his decision, R.M. was ordered detention. Head of prison also ordered immediate examination of R.M. and taking his statement. YIHR received analysis which showed that R.M. did not have any visible injuries. Sisters of detainee R.M. negated these statements and told YIHR researcher that his brother was under pressure not to tell that he was ill-treated. Also, they announced submitting of criminal charge to competent Public Prosecutor against R.R. officer. They also reported this case to Ombudsman.

## **V Politically motivated violence**

In this quarter, YIHR registered large number of cases of politically motivated violence and pressures on the occasion of Census 2011.

**Census** – Numerous participants and entities at the process of preparation of census that shall take place from April 1 until April 15, 2011 said there were pressures on citizens considering statements on identity issues. During the campaign for census, propaganda messages were used which spurred citizens on expressing their opinions. Media published information that census-takers were elected according to their political opinion while principles on unemployment and professional ability were neglected in largest number of cases. Representatives of political parties, NGOs, religious communities invited citizens to show courage and freely express their opinion on their nationality, indicating which nationality, religion or language it was. Representatives of Roma Council said that none of the Roma participated in organization and conduction of census that had been conducted in 2003, and the results showed that in there were less Roma that the real number was in Montenegro. For the actual census, representatives of Roma are involved in the very process. Throughout Montenegro billboards were placed inviting citizens to express their nationality, religion, and language. Billboards set by Croatian National Council in Tivat and Bar which said: “We are Croatians, we speak Croatian”, were damaged on March 2, 2011. Editorial team of portal [www.bosnjaci.net](http://www.bosnjaci.net) accused Montenegrin authority for conducting campaign and pressures on Bosniaks to declare themselves as Montenegrins. NGO Human Rights Action (HRA) submitted the Initiative to Constitutional court on March 7, 2011, for assessment of constitutionality of Law on census in 2011. This organization required from Constitutional court to initiate the procedure of examining constitutionality and to abolish Articles 21 and 28 of the Law which prescribes obligations for all persons covered by census to reply on all questions correctly and fully, which includes issues on religion, and national representation. On March 24, 2011, Constitutional court rejected the Initiative of HRA with the assessment that the Law in in Accordance with the Constitution. Statistical Office of Montenegro announced that citizens may express their standpoints with answers that they do not want to express their opinion at mentioned questions, and that this answers shall be considered as being in accordance with law.

**Representatives of Trade union organization of the Army of Montenegro (SOVCG)** – Representatives SOVCG addressed YIHR on March 10, 2011, stating that for trade union organizing they

suffered pressures, discrimination, and blackmails. Nenad Čobeljić, President of SOVCG and Radojica Krunić, member of SOVCG were excluded from the General Staff. The statement said that management and members of SOVCG were presented as the enemies of the state by the Army of Montenegro (VCG). SOVCG told YIHR there were blackmails and intimidating, prohibition of addressing higher institutions and courts, creation of lists on who filed lawsuits, blackmails to give up of membership in SOVCG, prohibition of using trade union premises, replacement on lower job positions, while the condition for departure in ISAF was not being a member of SOVCG. SOVCG also said that human rights and freedoms had constantly been violated, and the number of cases and methods of such a behavior and relationships had been increasing day by day, and that competent institutions did not stand behind the Constitution and laws of Montenegro adequately, although they were introduced with the situation several times and although they were invited to react. SOVCG filed two criminal charges against competent bodies in VCG. More than hundred members of SOVCG left this organization for a short time due to blackmails. Trade union organization introduced with the situation Filip Vujanović, President of Montenegro, Igor Lukšić, Prime Minister, Boro Vučinić, Minister of Defense, Dragan Samardžić, Head of General Staff, Parliamentary Board for human rights and freedoms, and Parliamentary Board for security. On March 28, 2011, YIHR and Union of Free Trade Unions introduced Delegation of European Commission and embassies in Podgorica with problems management and members of SOVCG faced with. With SOVCG, YIHR documents cases of discrimination and violation of human rights in Montenegrin Army which shall publish in annual report for 2011.

**Rector Velibor Džomić** from Podgorica, at the end of February, decided on withdrawing lawsuit against Veselin Veljović, Director of Police Directorate for defamation. Džomić accused Veljović for expressing information at the session of Parliamentary Board for security that the Rector participated in developing plans of devastating activities in front of the Parliament of Montenegro. Džomić believed it was enough that he proved before the court and public that he had not planned devastating activities in front of the building of Parliament of Montenegro, at protests which took place on the occasion of recognizing independence of Kosovo.

**Procedure of revoking Montenegrin citizenship** – Ministry of internal affairs initiated the procedure of revoking Montenegrin citizenship to Predrag Popović, President of People's Party. Therefore, Popović resigned from the position of MP in the Parliament of Montenegro. The reason for initiating the procedure was because Popović owns even the citizenship of Serbia while the Law on citizenship prescribes that person of age lose Montenegrin citizenship if they receive citizenship of some other state on their own accord. On March 21, 2011, the Ministry made decision on revoking citizenship to Popović. In open letter to Igor Lukšić, Prime Minister, Popović said that the Law on citizenship was discriminatory towards Serbs and that he would not give up of any citizenship. Popović also said that new decision of Ministry of internal affairs nearly before the very census, sent clear message to citizens of Montenegro. On March 24, 2011, he received the decision and all his personal document were taken away from him. Popović said it was political pogrom and political pressure on Serbs at the time of census. Popović said that, on March 18, 2011, when he gave statement, he was informed he might get the decision on September 19, 2011. Receiving of decision, Popovic considered as prove it was all political pogrom and conflict with Serbian people whom he belong, or open pressure before census. Popović wrote to Filip Vujanović, President of Montenegro, who required from Ivan Brajović, Minister of internal affairs, information related to revoking of citizenship to Popović. Ministry of internal affairs announced revoking of citizenship even to Andrija Mandić, President of New Serbian Democracy because he also owned citizenship of Serbia. However, after departure of member of NOVA, Goran Danilovic from the session of Collegiums of the Parliament on harmonizing electoral legislation, Ranko Krivokapić, President of the Parliament, said that the Ministry did not deal with the procedure for revoking citizenship to Mandić.

**Veselin Veljović, Director of Police Directorate filed lawsuit for defamation against Nebojša Medojević, President of Movement for changes and Daily 'Vijesti'.** Later, Veselin Veljović said that he did not give order to lawyer to file lawsuit against 'Vijesti', therefore, the lawsuit against daily newspaper was withdrawn. For compensation of non pecuniary costs Veljović required 50.000 EUR. Veljović filed lawsuit against Medojević and Vijesti due to Medojević's statement which 'Vijesti' published, that he possessed information that Veljović was in constant contact with Darko Šarić. Medojević earlier required from Prime Minister, Igor Lukšić to influence on Veselin Veljović, Director of Police Directorate, not to have political polemics with him. Prime Minister Lukšić said that Director of Police Directorate should not be involved in polemics with any Member of Parliament and especially not with the one who was member of Board for security. Ivan Brajović, Ministry of interior affairs, said that Police Directorate could not have political polemics with MPs. Brajović said that police did not deal both with politics and political statements.

**Case of threatening to Aleksandar Saša Zeković** – Public Prosecution Office stated that the case of threatening by death, spying and wiretapping Aleksandar Zekovic, researcher of human rights violations was time-barred. NGO Human Rights Action announced they would address Court for human rights in Strasbourg with application on the occasion of this case, due to violation of Zeković's rights to freedom of expression, rights to efficient legal remedy and violation by prohibition of inhuman and degrading treatment.

**Embassy of Albania** – On March 9, 2011, Embassy of Albania in Podgorica was target of assaults and provocations. Firstly, unidentified provoker threw an egg at the window and one hour later the information appeared saying that the bomb had been set at the building of diplomacy branch in Podgorica. The Police searched the building and said there were no traces on bomb. According to YIHR, persons who did this act have not been identified.

**Case of Hajram Kalač, Basic Public Prosecutor in Rožaje** – Vehicle of Hajram Kalač was damaged on March 18, 2011. Four tires of his vehicle were cut with sharp instrument. Kalac said he was convinced it was somebody who thought Kalac got on the wrong side of them when doing his job. The case was reported to the Police which stated they undertook all measures and activities in identifying perpetrators.

**Trial to Slobodan Pejović, witness in the process of deportation** - Trial to Slobodan Pejovic, witness in the process of deportation, upon lawsuit for defamation of functionary of Agency for national security (ANB) Dejan Mrdak, begun on March 21, 2011, when Pejovic rejected to reconcile with Mrdak. The following trial was appointed for May 10, 2011.

**Prior of Dajbabe Monastery** – In program 'Pitajte sveštenika' ('Ask the Priest') of Radio Svetigora, Prior Nikodim (Bogosavljević) said that Montenegrin nation was not created by God but it was the produce of human vanity and weaknesses and generally, creator of Montenegrin nation in essence was the Devil. Velibor Džomić, Rector of Metropolitanate of Montenegro and Littoral criticized the standpoint of Prior Nikodim and said that it was his personal standpoint and not the standpoint of Metropolitanate. Džomić said that Prior Nikodim should give written response to church bodies. Large number of individuals and organizations judged this statement as the speech of hatred. Deputy of Higher Public Prosecutor Veljko Rutović announced initiating of misdemeanor procedure against Nikodim Bogosavljević, Prior of Serbian church in Montenegro, due to speech of hatred. Agency for electronic media shall take into consideration the statement of Prior Nikodim Bogosavljević and afterwards shall define measures against Radio Svetigora, prescribed by Law. Metropolitan Amfilohije dismissed of duty Prior Nikodim.

**New Serbian Democracy** – Premises of New Serbian Democracy in Danilovgrad were stoned at night between March 25 and March 26, 2011. That was not the first assault on premises of NOVA. The incident was reported to the Police. Representatives of NOVA said they did not expect from the Police to identify perpetrators because they neither did it in previous cases.

## **VI Free legal aid**

Law on free legal aid has not been adopted yet. Currently, NGOs, trade unions and political parties provide free legal aid. The Government of Montenegro adopted Proposal for Law on free legal aid on January 27, 2011, which may lead to conclusion that the Government considers this Law is more intended as the right rather for impoverished people than as human rights area. Work on Law on free legal aid has lasted for too long and recommendations of NGOs were not respected. YIHR sent a letter with recommendations to all MP clubs. The proposal prescribes that right to free legal aid shall have users of material family security or some other right of social protection, children without parents, disabled persons, victims of criminal act or violence in family and persons of poor incomes. Besides Montenegrin citizenship right to free legal aid shall have person without citizenship who legally resides our country, person who seeks for refuge, foreigner with permanent residence, and approved temporary residence. Earlier, our organization gave recommendations that Law should contain following issues: provision of free legal aid may perform nongovernmental organizations, professional institutions and institutions dealing with science, political parties, trade unions and other entities, and not only lawyers who are registered for provision of free legal aid; conditions citizens should fulfill in order to receive free legal aid should be simplified and free legal aid should be provided to all citizens who are socially endangered even in cases of human rights violation, because Proposal does not contain solutions that free legal aid may receive victims of discrimination, torture, and other severe forms of human rights violation; Law should be adopted jointly with Law on prohibition of discrimination and Law on protector of human rights and freedoms, because it has been proposed that punishments prescribed by Law on prohibition of discrimination shall form Fund of free legal aid that should be expanded by means of lottery.

Currently, the Law is under procedure of Parliamentary Boards and was in agenda of the fourth session for March 22, 2011, of the first regular session in 2011. Board for political system, judiciary and administration took into consideration Proposal of Law on free legal aid. After majority of votes, Board supported Proposal of Law on free legal aid and proposed to the Parliament to adopt it, stated the report on work of the Board from March 22, 2011. The same report said that Board for gender equality sent opinion to Board for political system which also proposed to the Parliament adoption of Proposal of Law on free legal aid.

Board for political system, judiciary, and administration had one more session on March 28, 2011, which considered amendments that were submitted on Law on free legal aid. At the session, 13 amendments were submitted. Amendments related to possibilities of users to receive free legal aid were adopted. These amendments shall expand the list of users who may exercise right to free legal aid upon economic principle but decisions on provision of free legal aid to victims of violation of human rights and discrimination were not adopted. Amendments of Socialist People's Party on provision of free legal aid to single parents and for all procedures before public bodies were rejected at the session. Proposal of law prescribes that Law shall come into force on January 2012.

## **VII Freedom of expression**

Article 47 of the Constitution on Montenegro guarantees freedom of expression by speech, written words, image, or in any other manner. According to the Constitution, right to expression may be limited only by right of any other person to dignity, reputation, and honor and if public moral or security of Montenegro have been endangered.

European Convention for protection of human rights and freedoms guarantees freedom of expression to everyone. That right includes freedom of possessing own opinion, receiving and publishing

information and ideas without involvement of public authority. Convention presumes important limitations of this right in democratic society in the interest of national security, territorial integrity or public security, for the sake of preventing violence or crime, protection of health or moral, protection of right and reputation of others, with the aim to prevent revealing of announcements received in confidentiality, or for the sake of preserving authority or impartiality of judiciary. European Court for human rights provided that politicians and other dealing with public functions have to sustain larger level of criticism than other citizens. In our state, Law on media defines that media are free and that censorship of media is prohibited, and that Montenegro guarantees freedom of informing at the level of standards that have been contained in international documents on human rights and freedoms.

The Criminal Code of Montenegro limits the freedom of expression through the act of defamation for which 14.000 EUR fine has been prescribed, which is not in accordance with European standards and recommendations that fines for acts of defamation have to be proportional to economic standard and financial soundness, in order not to make the issue of further functioning and existence of media and journalists. This is especially important if it is taken into account that courts imposed up to 20.000 EUR fines after lawsuits of politicians and public functionaries who would have to sustain larger level of criticism. Although steps have been made for improving of freedom of expression, and the status of journalists, the state of freedom of expression is still concerning. On March 24, 2011, Government of Montenegro defined the proposal on amendments of Criminal Code that provides decriminalization of defamation. The Government announced that media and journalists shall not be accountable for criminal acts defamation and libel. Adopted amendments represent measures planned by the Action plan for fulfillment of European Commission recommendations. Amendments were related to Articles 195 – which defines libel; and 196 – which defines defamation. Lawyer Veselin Radulović stated that libel and defamation have not been decriminalized by these amendments of the Criminal Code and there would always be possibility of criminal punishing of perpetrators of these acts.

Government of Montenegro adopted decision on providing assistance to press ad electronic media. Press shall receive national assistance but debts of electronic media towards Broadcasting Agency for using services during 2009 and 2010 shall be written-off. According to YIHR information, the Government shall provide 880.000 EUR assistance to press, and almost 2 million EUR to electronic media.

System of media self-regulation in Montenegro is frozen. Journalist self regulatory body (NST) was established in 2003. President of the Council of NST, Mirsad Rastoder told on March 23, 2011 YIHR researcher: "After very active protection of media freedom in accordance with European standards and practice, especially in period 2006-2010, blockade in work of NST occurred. Due to abstinence of representatives of three very influential media, Council of NST, since May 2010, does not have capacity to decide on appeals and misdemeanors of Codex, which often occur in newspaper and programs. Blockades were caused by settled and new divisions in media community that are currently recognized by division on two media sides. Journalist fell under interests of editorial offices and it is impossible to provide sufficient number of members of the Council of NST at sessions in such a situation. Editors – Directors of eight influential media, recently tries to make an agreement and establish new self-regulatory body, but now, unfortunately, they have not managed to achieve principal consensus."

**Ibrahim Ćikić** – Trial for defamation against Ibrahim Ćikić, after lawsuits of 11 citizens of Bijelo Polje was continued on January 17, 2011. Ćikić was accused by 11 persons from Bijelo Polje foe defamation in his book "Where the Sun does not shine", where he wrote on torture he faced with in prison in Bijelo Polje in 1994, after accusations he had been working on establishing the state of Sandžak. Ćikić published this book in 2008. Legal representative of plaintiffs Radivoje Šuković proposed that Ćikić should be trialed in absence because it was noted that Ćikić was not in Bijelo Polje but in Sarajevo on unknown address. Decision on this proposal shall be made by out-of-court council, and after this a date on new session will be known. Ćikić told media he was in Bijelo Polje in that period and added it was rigged

process against him. Main hearing took place on February 14, 2011. Plaintiffs believed that Čikić slandered them and made up the events. Next session was appointed for March 16, 2011 when witnesses passed hearing.

**Miodrag Babović**, journalist of daily 'Vijesti' filed criminal charge against Director of Agency for electronic communication Zoran Sekulić. Babović accused Sekulić for insulting word he told him at the plateau near the building of editorial office of 'Vijesti', on January 20, 2011. The case was processed before Misdemeanor Body. Babović said it was not the first time Sekulić insulted and cursed him. Journalist Babović monitors the work of the Agency for more than five years and in that period he wrote on financial business of that institution. Earlier, Sekulić had court settlement against 'Vijesti' due to articles on work of the Agency. However, Basic court released 'Vijesti' from responsibility. Misdemeanor Body in Podgorica made decision on punishing Sekulić on 550 EUR because he insulted Babović.

**Ervin Dabidžinović** – On January 19, 2011, in early morning, unidentified person damaged a vehicle of Ervin Dabidžinović, activist of Center for feminist and peace education – ANIMA from Kotor. Dabidžinović reported this case to the Police. On January 24, 2011, more NGOs sent public letter to Goran Banićević, Head of the police station in Herceg Novi and Veselin Veljović, Director of Police Directorate and required police investigation. "Ervin Dabidžinović is eminent activist for peace and respect of human rights, who often uses her right to freedom of opinion and expression in public in order to express her standpoints that are not in accordance with ruling standpoints or standpoints of majority in Montenegro. Therefore, at the time of incident, on Wednesday, January 12, 2011, in daily 'Vijesti', Ervin Dabidžinović published article named Contra(per)ception, where she critically analyzed public appearance of Metropolitan of Serbian Orthodox Church, Amfilohije Radović and remaining political entities and institutions in Montenegro, while in weekly 'Monitor' she criticized failure of prosecution Office to provide processing of war crimes committed over population of Bukovica", stated NGOs in their letter.<sup>7</sup> NGOs stated they considered this incident as direct threat to Dabidžinović and all the others who think freely.

**Petar Komnenić** – In last year's report, YIHR wrote that Higher court in Podgorica abolished verdict of Basic court from November 5, 2010, when journalist Petar Komnenić was punished by 2.000 EUR, he had to pay to businessman Safet Kalić for defamation. The explanation of Higher court stated that Basic court failed to control the truthfulness of Agency for national security's report where Kalić was described as the person of security interest, which Komnenić used in his article published in weekly 'Monitor'. Trial again started on January 27, 2011 before Basic court in Podgorica. Judge Jelena Perović Kovačević ordered the collection of evidences proposed by Higher court. Therefore, she required from Parliamentary Board for security response whether that session considered the report with ANB memorandum. The Police of Montenegro should submit information on hearing of Kalić at the following session. Trial took place on March 15, 2011.

Higher court in Podgorica confirmed conviction against journalist Petar Komnenić because he slandered Ivica Stanković, former president of Higher court in Podgorica after the article in which he claimed that judge was under measures of secret surveillance. Komnenić was imposed 3.000 EUR fine. He will have to cover the cost of publishing elaboration of the first instance verdict in weekly 'Monitor'. Stanković filed lawsuit against Komnenić after publishing article in weekly 'Monitor' – "Judges under surveillance – measures of secret surveillance".

**Slavko Radulović** – In this quarter continued the trial to journalist of daily 'Vijesti' Slavko Radulović after the lawsuit of former Dean of Law Faculty Ranko Mujović. Mujović, with the assistant of that Faculty, Bojana Lakićević, filed lawsuit against journalist Radulović after articles where Radulović wrote on correction of marks. On February 17, 2011, Basic court in Podgorica acquitted journalist Radulović from accountability for defamation.

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<sup>7</sup> YIHR is one of signatories of the letter from January 24, 2011. The letter is in YIHR documentation.

Threats to journalist **Olivera Lakić** – Olivera Lakić, journalist of daily 'Vijesti', received more threats during February 2011. Olivera Lakić wrote on tobacco smuggling from Mojkovac. Several political entities and NGOs required from competent institutions revealing and processing of persons who threaten journalist Lakić. Basic Public Prosecution Office in Podgorica submitted bill of indictment to Basic court against Slavko Musić, worker at the company "Montenegro Tobacco Company" and Marko Piper, PR of the company for threatening journalist Lakić. They have been charged for threatening Lakić during the period from January 31 and February 3, 2011. Trial to Music and Piper, appointed for March 14, 2011 before Basic court in Podgorica, was delayed for April 14, 2011.

**Jasmina Muminović** – Jasmina Muminović, journalist of daily newspaper 'Vijesti' was acquitted for the second time before Basic court in Podgorica on February 24, 2011, after accusation she slandered Safet Kalić from Rožaje. Kalić filed lawsuit against Muminović for defamation in articles from August 31 and September 1, 2008, titled "Sajo Kalić arrested", and "Kalić free, tenants in Spuž".

**Mugoša – Jovović** – Daily newspaper 'Vijesti' published that experts from the Institute for judicial medicine in Belgrade rejected in supplement decision construction of Prosecution Office that Dragan Radulović, driver of Miomir Mugoša, Mayor of Podgorica, was seriously injured by Mihailo Jovovic, Editor in Chief of Daily 'Vijesti', in the incident which happened between Mayor and journalists of 'Vijesti'. The assault happened on August 5, 2009 in Podgorica.

**Trial to Dobrilo Dedeić** upon lawsuits of Slaven Radunović, Vice president of New Serbian Democracy, for defamation took place on March 28, 2011. Radunović filed lawsuit against Radunović after Dedeić's statement he took the money from businessman Veselin Barović. Following session was appointed for May 11, 2011.

On March 31, 2011, the Police submitted requirement for initiating misdemeanor procedure against **Robert Velašević**, President of NGO Libertas. Media announced that officers at the Police station in Podgorica took the statement from Velašević in the capacity of suspect persons. Afterwards, as the Police said, they submitted requirement for initiating misdemeanor procedure for basic suspects he had committed three misdemeanor acts from the Law on public gathering. Namely, Velašević organized gathering of citizens not providing report on that event to the Police before. This organization said it was "the most shameful pressure" in order to prevent expression of dissatisfaction of citizens. Earlier, two protests were organized which passed without incidents. New protest was appointed for April 2, 2011.

The Police prohibited the protest of former workers of the company "Marko Radović" that was announced for March 31, 2011. Workers announced the following gathering for April 7, 2011, and said they would gather notwithstanding the prohibition they received from of the Police.

## **VIII Religious freedom**

The Constitution of Montenegro guarantees right to freedom of opinion, consciousness, religion, right to change religion or conviction and right to freedom of expressing faith individually or collective. The Constitution states that not any person is obligatory to express their religion, while expressing of religious convictions may be limited only if it is important for the sake of life or health of people, public peace and order, and other rights guaranteed by the Constitution.

According to data of MONSTAT, more than 74% of people are Orthodox, 18% are Muslims, 3,5% are Catholics, and several smaller religious communities have been registered that have less than thousand believers.

Prime Minister Igor Lukšić, had consultations in January with religious head representatives. Lukšić spoke only with heads from majority religious communities, Metropolitan of SPC Amfilohije, Rifat Fejzić, Head of Islamic community, Zef Gaši, Archbishop in Bar, and Ilija Janjić, Bishop in Kotor and Mihailo,

Metropolitan CPC. Lukšić said that for every person is guaranteed right to freedom of religion and that one of the ministries would establish department that would be in charge for communication with religious communities. Lukšić announced that Law on return of property to religious communities would be adopted soon. Intolerance of representatives of both Orthodox churches and their believers is still present.

After the meeting with Lukšić, Metropolitan Mihailo said that Government of Montenegro should resolve the issue of CPC property if they want the access of Montenegro to the European Union. Metropolitan Mihailo required from Prime Minister if Government might enable CPC to perform prayers in Ćipur and Vlaška Church in Cetinje. On February 21, 2011, CPC sent the request to Aleksandar Bogdanović, Mayor of Cetinje request for using the Monastery of Cetinje. Mayor responded on March 6, 2011 saying he was not competent for that issue, and that Old Royal Capital did not have legal point to decide on CPC's requirement. Bogdanović said that the issue of property over Monastery of Cetinje was the case of administrative procedure before competent bodies. Stevo Vučinić, representative of CPC said on March 7, 2011, that administration improperly acted towards CPC requirement because the explanation was based on claims which were not based on facts.

**Church on Rumija Mountain** – Resolving the issue of sheet-metal church on Rumija Mountain, set by SPC, still causes tensions and intolerance in the society. Supporters and representatives of CPC, some politicians and organizations required from authority and competent institutions removing of the church emphasizing that, except it was illegally built, it disturbed traditional inter-religion harmony. On January 6, 2011, Metropolitan of SPC Amfilohije cursed the one who devastate this church saying: "He who dare to turn on the temple, may he be turned down by the Lord himself. Him and all his offspring and may they would be judged by the Holy Cross", and added "there is a dog's faith for what is good when a man claims to be a Christian and Metropolitan, says that the church of Holly Trinity on Rumija mountain should be turned down". Predrag Sekulić, Minister of tourism and sustainable development offered the solution for constructing religious building at the same place for Orthodox, Catholics, and Muslims, but representatives of SPC did not give assent. Filip Vujanović, President of Montenegro assessed cursing of Amfilohije as "inadequate step into politics". Opposition parties judged the statement of President Vujanović saying that the President joined assaults on Metropolitan. After statements of Metropolitan Amfilohije, Metropolitan of CPC Mihailo said on January 9, 2011 that Amfilohije was the greatest enemy of Montenegrin people. Representative of SPC claimed that the campaign against SPC has been conducted where judicial bodies have been involved. At the meeting with Prime Minister Lukšić, Metropolitan SPC Amfilohije brought letter and introduced the content of the letter to Prime Minister, which said that serious threats came to them from Bar, if devastation of church occurs it may cause devastation of mosque, or may cause bloodshed on religious basis.<sup>8</sup> Some media considered these statements as threats. Higher Public Prosecution Office filed request against Metropolitan Amfilohije for initiating misdemeanor procedure due to speech of hatred. Metropolitan Amfilohije was accused for violation of Article 17, which prescribes that any person who violates racial, national and religious conviction in public shall be punished. Ranka Čarapić, Supreme Public Prosecutor said that the procedure before Misdemeanor Body would show whether speech of hatred, which was qualified as misdemeanor, had the intensity that would characterize it as criminal offence that would also create the need for initiating criminal procedure. Metropolitan Amfilohije said that his statements were not speech of hatred but some political analysts and sociologists said that prosecution office was selective when processing of speech of hatred comes in issue and that it did not process other cases.

**Dragoslav Kljajević, Lawyer from Bijelo Polje** filed lawsuit against Islamic community in Bijelo Polje because he considered that the tone coming from four loudspeakers in mosque was too high. Enis Effendi Burdžović, President of the Board of Islamic community in Bijelo Polje said it was surprising why

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<sup>8</sup> Copy of the letter is in YIHR documentation



Kljajević, who lived near mosque, did not address them firstly. Burdžovic said he had agreed with Kljajević to reduce the tone on half from loudspeakers because he confirmed that in specific moments the level of noise was too loud. The trial is in course.

**Association of Montenegrins in Srbija “Krstaš”** – The Association said that Metropolitan SPC Amfilohije offered to the Priest of CPC Vojislav Miljanić from Serbia high position in SPC if he publicly required forgiveness and repentance. The statement of the Association Krstaš stated that Metropolitan Amfilohije required from Miljanić to criticize publicly archpriests and clergy of CPC or would be otherwise expelled from the Faculty of Bogoslovija in Belgrade or would have other problems in his work and life in Serbia. Rector Velibor Džomić from Podgorica demented these statements. On March 29, 2011, Metropolitan CPC Mihailo dismissed of duty Priest Miljanić after Miljanić informed Mihailo he would like to have conversations with Metropolitan SPC Amfilohije.

Higher court in Podgorica sentenced **Žana Mitić** from Tivat to eight months imprisonment and **Zoran Raičević** on four months imprisonment for provoking national, racial, and religious hatred. As stated in indictment, in settlement Mrčevac in Tivat, on October 28, 2010, they broke glass of the house used by Islamic community and in the part of the house provided for prayers they left bags with swine droppings.

## IX Discrimination

The Constitution of Montenegro prohibits discrimination, each form of direct and indirect discrimination on any grounds, and prescribes positive discrimination or affirmative action. Adopted Law on prohibition of discrimination has not functioned yet in practice. For implementation of this Law it is important to adopt Law on Protector of human rights and freedoms firstly. YIHR registered more cases of discrimination in this quarter.

**Discrimination of disabled persons** – On February 10, 2011, the Government of Montenegro adopted the Draft of Law on prohibition of discrimination of disabled persons. The Government announced the Draft of Law on March 3, 2011.

Vladan Nikolić, Program manager of Association of paraplegics said that national institutions did not fulfill legal obligation to have 5% of disabled persons among their employees, at the round table on employment of disabled persons which took place on February 25, 2011. Law on professional rehabilitation and employment of disabled persons was adopted in 2008. Article 21 of the Law defines the quota for employment of disabled persons as follows: employer who has 20 to 50 employees shall be obliged to employ at least one disabled person while employer who has more than 50 employers shall be obliged to employ at least 5% of disabled persons in comparison with overall number of employees. The Law defines that employer shall pay special fees for employment of disabled persons. Thus, Article 22 says that employer who has not employed disabled person is obliged to pay for each person he has not employed special fee for professional rehabilitation and employment of disabled persons at the time of monthly payment of wages and compensations, in accordance with Article 21 of the Law. Law defined that these fees shall be paid on account of Fund for professional rehabilitation and employment of disabled persons. Article 36 of the Law provides subventions for employers who employ disabled person in the form of irreversible grant, credit with adequate conditions and subvention of income of disabled persons. On February 28, 2011, YIHR sent the request to all ministries, in accordance with Law on access to information, and required information on number of employees, number of employed disabled persons and information about the amount they paid for the first month in 2011, according to Law on professional rehabilitation and employment of disabled persons. On YIHR's request answered the following eleven ministries: Ministry of science, Ministry of culture, Ministry for information society and telecommunication,

Ministry of transport and maritime affairs, Ministry of labor and social welfare, Ministry of economy, Ministry of education and sport, Ministry of finances, Ministry of internal affairs, Ministry of health, and Ministry of foreign affairs and European integration. Ministries which employed disabled persons are Ministry of health (one person), Ministry of labor and social welfare (two persons), Ministry of transport and maritime affairs (two persons) and Ministry for information society and telecommunication (one person). Out of all ministries that delivered answers to YIHR, only Ministry of internal affairs makes the payment to Fund for professional rehabilitation and employment. Therefore, the Ministry paid the amount 4.004,00 EUR for January 2011. Another ministries answered they did not have information on payment of special fees to the Fund because accounting of incomes performs Ministry of finances. Ministry of finances replied that they paid 14.072,72 EUR to Fund for professional rehabilitation and employment for disabled persons for January 2011.

On January 10, 2011, Basic court in Podgorica rendered the verdict on partial adoption of official request of Marijana Mugoša against the Capital city. Since December 10, 2008, Marijana Mugoša, who uses guide dog because her eyesight is completely damaged, has been prohibited to come into the premises of the Capital city where she was employed on indefinite time. In the form of compensation of non pecuniary damage, Mugoša required 15.000 EUR due to mental suffering after violation of honor and dignity. Court partially adopted the request of Marijana Mugoša ordering to Capital city Podgorica to pay 6.000 EUR in the form of non pecuniary damage to Marijana Mugoša. Capital city filed an appeal on February 1, 2011 on this verdict. Although the verdict saying Marijana Mugoša should be allowed to her job position became final, authorities at the Capital city have not allowed it yet. Therefore, Higher court in Podgorica rejected appeal of the Capital city on January 28, 2011 and endorsed the decision of Basic court in Podgorica that the Capital City did not act according to decision of the court and enforced the verdict of Basic court in Podgorica. Higher court defined enforcement by imposing 550 EUR fine to the Capital city Podgorica and 300 EUR fine for responsible person.

In accordance with Law on free access to information, YIHR required from Ministry of labor and social welfare information on undertaken measures and activities related to the case of prohibition of Andrija Samardžić's staying at the restaurant "NIN". Andrija Samardžić who is disabled person uses guide dog, and on November 5, 2010, worker and owner of the actual restaurant did not allow Andrija to stay at the restaurant because of his guide dog. On February 16, 2011, Ministry submitted to YIHR information saying that tourist inspection conducted control surveillance at the restaurant on November 17, 2010 and noted that Article 2 of Law on prohibition of discrimination was violated, Article 4 of Law on movement of disabled persons using guide dog and Article 101 of Law on tourism, by entrepreneur Radoš Pavičević. Also, the reply announced processing of misdemeanor procedure. According to the Law on prohibition of discrimination legal person or entrepreneur shall be fined in the amount of 200 to 300 fold of minimal wage in Montenegro for misdemeanor if it fails to provide public services, as well as competent person in public body or legal entity of physical person in the amount of 20 fold minimal wage for the same misdemeanor.

**Discrimination of Roma** – Three barracks were destroyed in fire which happened on February 7, 2011 in refugee camp in Podgorica – Camp 1 where 17 Roma families were accommodated. Competent bodies offered to these families temporary accommodation in the frame of Camp 1 in an catering facility, kindergarten, and in one office. Firstly, families did not accept temporary accommodation in these premises saying they were inadequate, in poor condition, and were afraid of staying there permanently. For that reason, families protested in the manner of not adopting the accommodation that was offered to them and they spent several days living outdoor. YIHR representatives visited families whose barracks were destroyed by fire, jointly with Šučko Baković, Protector of human rights and freedoms, and were introduced with requirements of these families and premises that were offered to them as temporary accommodation. On March 23, 2011, YIHR researchers visited families in the Camp 1 whose barracks were destroyed by fire. They still live in temporary accommodation. One barrack which burnt in fire is passing the phase of reconstruction and when work finishes part of families shall return there.

Inhabitants of settlement Ozrinići, near Nikšić protested on March 24, 2011, and at the same day they initiated signing of petition against the beginning of construction of three buildings with nine apartments for Roma people from other parts of municipality. Inhabitants said they would not allow municipal authorities to build another one, near one Roma settlement. They said they had adopted Roma families who currently lived there as their neighbors and did not prevent connection of their apartment units on water-supply, electricity and telephone network. They said that additional settling would burden infrastructure of network which would endanger lives of inhabitants of this settlement. Momčilo Mićunović, Vice president of Municipality Nikšić said that construction would not be interrupted, that buildings are being built on property state by finances provided by Ministry for human and minority rights in the amount of 180.000 EUR. This was not the first protesting against construction of apartment buildings for Roma population. Namely, in December 2010, media published information that citizens of settlement Ribarevine near Bijelo Polje sent petition to municipal authorities of that town, protesting against construction of social apartments for Roma persons in their settlement. YIHR required three times from Mayor of Municipality Bijelo Polje copy of the petition which inhabitants of Ribarevine sent to Municipality. However, besides spoken promises of persons employed in administration they would send the copy of the petition, they have not done that yet.

**Discrimination on national and religious basis** – Enver Dacić from Rožaje openly required from Prime Minister Igor Lukšić to stop discrimination on national and religious basis which was conducted by Veselin Krgović, Head of the Border Police station in Berane. He accused Krgović for submitting false reports to persons on higher positions, on non-Orthodox border-officers, which resulted in dismissal of Dacić and his six colleagues of Islamic creed. Dacić filed lawsuit against Krgović for violation of official position and offending words Krgović told him on national basis. Veselin Krgović demented these statements and said that his closest cooperators were Muslims and Albanians, thus charges were not correct. Police Directorate demented existence of religious and national discrimination twice. On January 31, 2011, the Police announced that number of employees decreased in the last few years, which was done in accordance with law and aiming at rationalization. The Police also added that dismissed persons were usually officers who had fixed term contracts and one part of them did not fulfilled conditions prescribed by the Rulebook on internal organization and systematization, and one of them was Enver Dacić. Police Directorate stated that the station where Dacić worked since 2009 dismissed 22 officers, and out of this number 11 of them were of Orthodox and 11 of other creeds.<sup>9</sup> According to YIHR information, at Rožaje Border Police works only one officer of Albanian nationality. Daily 'Vijesti' published on March 11, 2011 they possessed the information that, after conducted investigation, Internal Control department of Police Directorate found out there were elements for initiating disciplinary procedure against police officer Krgović, when Dacić filed lawsuit against Krgović for insulting on national basis. Besides Dacić, police officers who were dismissed and who claimed they were dismissed due to national and religious discrimination were Mithat Nurković, Nežad Kuč, Resad Kalač, and Hamdo Murić. As it was stated, they openly spoke about smuggling which happened at the border line where they worked. For that reason, they and their families received threats. At the end of January 2011, Enver Dacić and his family received threatening messages by two unidentified persons who told him he obviously had not understood the message to give up of everything, writings in newspaper, lawsuits and evidences he collected and that he was not aware what might have happen to him and his family. There were also statements that Mithat Nurković and Nedžad Kalač received threats. These cases were reported to the Police and measures of protection were provided to them. YIHR does not have information whether persons who threatened have been identified.

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<sup>9</sup> Statement of Police Directorate from January 31, 2011, is in YIHR documentation

Daily newspaper 'Pobjeda', in section 'Others write', published on March 6, 2011, article and a photo "How an average Serb perceives Balkan". The photo represented specific nations and countries in negative and insulting manner. Therefore, it was written and presented by an image that average Serb perceives Slovenians as an Austrian stablemen, Albanians as cannibals, Hungarians were symbolized with 'goulash and sataras',<sup>10</sup> Macedonians as Serbs with huge speech defect.

Osman Nurković from Bosniak National Council told YIHR researcher that Ministry of education and sport did not ask for opinion of the Council on the occasion of election of director of schools in places where majority or significant number of minority representatives lived, but they did this when National Council of Albanians come in issue. On March 7, 2011, in accordance with Law on free access to information, YIHR sent the request to Ministry of education and sport and required following information: Did you and in how many cases consulted and required opinion of minority council, on the occasion of setting directors in elementary and high schools in places where majority or significant part of population are members of national minority? If so, which minority council did you consult? Have minority councils filed appeals, in written or any other form, for appointing directors without their consultation or opinion? If so, which councils did that? On March 11, 2011, the Ministry responded to YIHR and submitted the material which confirmed that the Ministry addressed only National Council of Albanians for 18 times.

**Discrimination of women** – Status of women in the first quarter of 2011 has not been improved. Men have three the most important functions in the state, President of the state, Prime Minister, and President of the Parliament. Only one female-minister is in composition of the new Government. The Parliament of Montenegro has eight female MPs. Leading positions of judicial power have women. Women receive approximately lower salary than men. According to research conducted by Women' network of Trade union, 7,3% employees said they were victims of violation at job position, and 27,6% were witnesses of mobbing. The same research showed that women were more exposed to violation at job positions than men.

At the meeting of the Government and NGO on January 12, 2011, feminist NGOs in Montenegro were not invited. Group of 12 feminist NGOs expressed concern due to tendency of the Prime Minister Cabinet to marginalize their work. Ljupka Kovačević, NGO ANIMA Coordinator – Center for feminist and peace education, said on January 14, 2011 that Prime Minister's Cabinet should apologize to feminist NGOs because they were not invited at the meeting.

**Discrimination of LGBT population** – According to media writings on January 18, 2011, Aleksandar Zeković, researcher of human rights violations, and Jovan Kojičić, member of European Commission for rights of sexual orientation, sent the Initiative to Constitutional court for assessment of constitutionality of articles of Family Law of Montenegro which defines non-marital union as the union of man and woman which lasts long. They claimed this Article was opposite to constitutional provision that prohibits each form of direct and indirect discrimination on any grounds. Zeković and Kojičić also claimed that this provision of Law prohibits enjoying any rights arising from marriage or non-marital union to homosexual couples.

Coalition NNGO 'Jointly for LGBT rights' once more sent a letter on March 18, 2011<sup>11</sup>, to Igor Lukšić, Prime Minister, on deposing Ferhat Dinoša, Minister for human and minority rights. They stated in letter that Minister Dinoša did not give up of his discriminatory standpoints and that he had continued with negative relations towards LGBT community. The letter also said: "Instead showing larger level of sensibility and tolerance, Dinoša declared the Ministry he leads as non-competent to prepare and represent the Report on the state of human rights of LGBT population to the Parliamentary Board, although the

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<sup>10</sup> Traditional Hungarian meal

<sup>11</sup> Copy of the letter of Coalition NGO 'Jointly for LGBR rights' from March 18, 2011, sent to Igor Luksic, Prime Minister, is in YIHR documentation

responsibility of this Ministry in that process is very clear. Then, at the meeting of Parliamentary Board for human rights and freedoms he again emphasized that rights of national and sexual minorities may not be equal, because it would be offensive for national minorities.”<sup>12</sup>

**Status of HIV positive persons** – Amela Kovačević, representative of CAZAS, told YIHR representative on March 25, 2011, that not any case of human rights violation and discrimination of HIV positive persons was registered in the first quarter. Kovačević also said that establishing of organization by HIV positive persons who would represent interests of this community is in course. She also added: “Currently, CAZAS is the only organization which structurally deals with HIV positive community while partner organizations send other contacts to us. At the end of last year, Foundation that will deal with improvement of conditions for exercising rights of HIV positive persons, which is the first of that type in Montenegro, was established. This organization still builds capacities for work. Significant indicator is that several HIV positive persons have not succeeded to resolve their existential problems for years.” Kovačević said that positive example recently happened when one HIV positive person succeeded to receive employment in public institution, receiving huge understanding and support of that institution.

## **X Rights of children**

Legislation in Montenegro is mostly harmonized with the international standards of human rights, in the area of human rights of children. However, specific inconsistencies are still present and failures in implementation of adopted laws and accepted international standards.

Montenegro adopted Convention on rights of children by providing the statement on succession for the set of conventions of United Nations on October 26, 2006. In November 2008, our state sent the initial report on implementation of Convention on rights of children, for the period from 2006 to 2008, to UN Committee for rights of children. Besides the Government, Protector of human rights and freedoms and the coalition of 18 NGOs sent the report for the same period. At the Assembly on October 1, 2010, UN Committee for rights of children adopted set of recommendations for Montenegro which arose after consideration of three reports. The Committee emphasized importance of harmonizing the part of legislation with the UN Convention on rights of children, importance of more efficient implementation of laws and concern for lack of capacities in functioning of institution dealing with the policy of planning, monitoring and protection of rights of children.

Current Law on social and children protection is not in accordance with provisions of Convention on rights of children. According to information YIHR has, the Government of Montenegro started activities on development of the new Law on social and children protection and its adoption is being expected during 2011. Besides the above mentioned, Montenegrin Government will implement comprehensive project of the reform of system of social and children protection in the frame of IPA 2010, in cooperation with UNICEF and UNDP, within the period 2011-2013.

There is no specific law in Montenegro which regulates area of juvenile justice. Although the Draft of Law was prepared in 2009, its implementation is still being expected, but it has been planned for the third quarter 2011 according to Government’s agenda. Currently, juveniles in Montenegro who are in conflict with law, have been treated according to provisions of criminal legislation of the Criminal Code and the Criminal Procedure Code and there are no specialized judges for juveniles. However, the practice noted increase of implementation of alternative measures towards juveniles.

At the Office of Ombudsman, one Deputy and Councilor of Ombudsman deal with rights of children. New Law on Protector of human rights and freedoms has not been adopted although it was

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<sup>12</sup> *Ibid*

prepared during 2010, which represent limiting factor in allocating additional resources in the frame of the Office which would be directed towards protection of rights of children. The role of Ombudsman and his capacities in monitoring of children rights are still very limited.

Council for rights of children exists in Montenegro as inter-sector body which monitors implementation of regulations related to protection of children, protects and improves rights of children, and initiates adoption of regulations in this area. However, the Council has not been active enough in policy planning and defining priorities, its capacities are limited and the mandate does not cover all areas related to rights of children. According to YIHR information, the Council meets rarely and during the first quarter of 2011, Council did not organize any session. Representatives of civil sector, parents and children have not been adequately included in Council's work. During March, Government invited NGO to appoint three of its representatives in the work of Council, and inclusion of children in this body was announced.

Reporting of media on children is not in accordance with ethic standards an even with positive regulations. Identity of children is often revealed and children are qualified or as victims or as delinquents. Concrete example is the following event:

On March 15, 2011, in Elementary school 'Radojica Perović' in Podgorica occurred the incident in which a pupil was marked as 'villain and school drop out'. Overall case received large media attention. Media reported on this incident and revealed identity of the pupil from the seventh grade, a boy who was marked as the villain who beaten up a teacher. On March 18, 2011, Ministry of education and sport formed the commission which decided to replace the pupil in the other school in Podgorica. According to information YIHR has, competent institutions did not conduct investigations related on whether the pupil received proper treatment by experts at the school and bodies, and who provided information on the incident and identity of the pupil to media. It also stayed unclear whether school and other competent bodies conducted investigation on defining all facts related to the very incident and statement that teachers did not want to hold lectures at the class if the pupil is present. The boy faced with resistance of parents from other school, who did not want that boy at the same class with their children. Parents of children in the new school prohibited their children to attend lectures because the pupil was replaced in their class. Such a standpoint was maintained until, as media published, Slavoljub Stijepović, Minister of education and sport, promised that the pupil replaced in their school would not be at the same class with their children. Protest of parents lasted for three days. Media also published that Minister Stijepović said that the pupil would not attend classes with other children and explained he would attend individual classes with psychology-pedagogic service, Director of the school and social worker.

Large number of NGOs in Montenegro deals with rights of children. However, these NGOs have not been sufficiently included in processes of adopting policies for rights of children.

In 2010, UNICEF office conducted the research on social distance towards children with disabilities. Results of the research showed extremely high level of social distance: only 42% of citizens would adopt if disability child attends the same school as their child; two thirds of questionnaires thought that disability child should not attend the same class with their children; 41% of questionnaires considered that inclusive education has negative consequences on other children; only one, out of five questionnaires, would accept if child with disabilities is the best friend with his child.

At the beginning of September 2010, Government of Montenegro, UNICEF, with the support of the EU Delegation, initiated the campaign "We speak about possibilities", aiming at encouraging citizens to accept without prejudices disabled children. The campaign recorded positive results and also indicated that it is important to do a lot of things on changing awareness and behavior for adoption and integration of disabled children at the school system and the society.

Rights of children in Montenegro are not at satisfying level and institutional capacities for protection of rights of children have not been developed yet. It is important to accelerate the procedure of adopting and harmonizing domestic provisions with international standards. Council for rights of children was not

sufficiently operational. It is important to plan more finances from the budget for the Council and the Office of Ombudsman in order to improve capacities and improve the work on protection of rights of children. NGOs dealing with rights of children should be more included in protection of rights of children, planning, and decision making for rights of children. Competent national institutions shall have to conduct investigation if in the case of incident which happened at elementary school happened violation of human rights after revealing pupil's identity and his initials in media and marking this child as villain and school drop out.

## **XI Minority rights**

**National minorities** – Article 79 of the Constitution of Montenegro guarantees and develops detailed measures of preserving identity of minority people and other national minorities. Legal framework for areas of right of national minorities was adopted and largely harmonized with European standards.

In 2010, legislative framework was not harmonized with the Constitution and the deadline for harmonization was prolonged for the fifth time for May 31, 2011. Work group interrupted work on electoral law at the end of February, and required from collegiums of the Parliament to assist in resolving disputable issues. Parliamentary collegiums started work on harmonization on March 14, 2011. Parties could not make any agreement on the manner of participation of national minorities in the Parliament. Albanian parties insisted to keep attained rights which imply special electoral unit where five MPs from national parties should be elected.

During consultations on January 25, 2011, Prime Minister Igor Lukšić met with representatives of national councils in Montenegro. He said that representation of minorities in national institutions should be larger. Presidents of councils introduced Prime Minister with requirement for larger separation from the budget for Fund for minorities, from the current 0,15% to 0,25%.

Ferhat Dinoša, Minister for human and minority rights, announced on March 15, 2011 that preliminary data on representation of minorities in public administration show that representatives of national minorities are not adequately represented in society. Dinoša stated that almost 80% of responses arrived on their questionnaire. During 2010, YIHR conducted research on the same topic. Data showed that all national minorities were sub-represented in comparison with Montenegrin national community, while representation of Roma population was the lowest.

Strategy for improvement of standards of Roma, Askalia, and Egyptians prescribes that separation of 0,2% from the overall budget, which means that for four years that number will be 10 million EUR. However, almost 1,7 million EUR were separated for four years. Behija Ramović, President of feminist RAE network "Prva" said that it causes concern if not any person in the Government is considered responsible if means, prescribed by the Strategy for integration of Roma, Askalia, and Egyptians, are getting lower each year.

More than hundred Roma and Egyptians organized protest walk on March 11, 2011 and the protest near the building of the Government and the Parliament of Montenegro, in order to indicate on poor position and discrimination during employment process. Roma and Egyptians stated and explained to public that even if they had diplomas, they could not receive employment but were forced to work in Public Utility Company.

Omer Nurković from Bosniak National Council told YIHR researcher that preparation and the plan of census did not presume adequate census of representatives of minorities in diaspora. Nurković said that data on national, religious and language representation are not being taken from citizens who work out of Montenegro. Nurković thought that this manner provides omitting of very important data on number of

representatives of national and religious minorities. Political party New Democratic Force /Forca/, required from MONSTAT on February 8, 2011 census of diaspora at the following census.

**Language minorities** – According to the Constitution of Montenegro, official language in Montenegro is Montenegrin language, but in official use are also Serbian, Bosnian, Albanian, and Croatian. Serbian language in Montenegro speak 393.740 citizens, Montenegrin language speak 136.208 citizens, Albanian 32.603 citizens, Bosnian language speak 14.172 citizens, Bosniak language 19.906, Roma language speak 2.602 citizens and Croatian language speak 2.791 citizens of Montenegro.<sup>13</sup> Out of all minority languages, Albanian language has the widest use. On the other hand, representatives of Albanians are not satisfied and they believe that the use of Albanian language is insufficient and limited. Roma language is not in use in school system. Official explained this saying that Roma language has not been standardized yet, there is no literature, and professionals who know this language. Other languages that have similar origin as Montenegrin are in official use in municipalities where significant number of minority representatives who speak this language live. National legislation does not define the term regional or minority languages. On February 24, 2011 The Government of Montenegro adopted the second report on implementation of Charter on regional and minority languages.

On February 21, 2011 Serbian National Council filed lawsuit against Ministry of education and sport for discrimination on language base. The Council also sent application to General Secretary of UNESCO requiring protection of Serbian language in Montenegro. The Council also required printing of questionnaires for Census 2011 on Cyrillic alphabet that is in equal use, in accordance with the Constitution.

**Sexual minorities** – On March 22, 2011, Council for human rights of United Nations adopted joint statement “The end of violence and human rights violations based on sexual orientation and gender equality”. Montenegro is also at the list of 84 states.<sup>14</sup> Status of representatives of sexual minorities in Montenegro is still at concerning level. Conditions for undisturbed existence of representatives of sexual minorities have not been developed yet. In this quarter, national public institutions have not undertaken activities on improving status and creation of conditions for expression of identity of sexual minorities.

On March 28, 2011, national Conference “Montenegro – the brightest spot on LGBT map” took place. Representatives of the EU, public institutions and nongovernmental organization participated in the Conference. The Conference stated that status of LGBT community is at the concerning level, and competent public institutions have to deal with discrimination representatives of this community face with. Coalition for LGBT rights was established in Montenegro. NGOs, governmental organizations and several media participate in the work of the Coalition. There is one gay web portal and in this quarter was also established the first NGO that shall deal with rights of LGBT community. That NGO is “LGBT Forum Progress”. They shall gather members who are representatives of LGBT community. Media published that goals of LGBT Forum Progress are improvement of mutual support and solidarity, strengthening overall capacities of the community and strengthening their status in the society, economy, labor market, sport and education, protection, improvement and monitoring of human rights of persons of some other sexual orientation. LGBT Forum Progress announced that the first Parade of Pride shall take place in Montenegro this year and added they sent invitation to Ferhat Dinoša, Minister for human and minority rights to be the Head of Organizational Board. Minister Dinoša responded he did not support the Parade in Montenegro and rejected invitation of LGBT organization to be the Head of organization of such gathering.

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<sup>13</sup> Data of Monstat

<sup>14</sup> From the website of Council for Global Equality, March 25, 2011.

(<http://www.globalequality.org/storage/documents/pdf/sogi%20joint%20statement%20march%202011.pdf>)



## **XII Status of displaced persons**

The largest problems displaced and internally displaced persons face with at the procedure of applying for permanent residence are failure to collect their passports, and the very procedure of collecting documents and deadlines. Law provides application for temporary residence to displaced and internally displaced persons who are not able to collect passport until November 7, 2011. Duration of temporary residence is three years the most, and in that period, applicants have to receive passports or their residence shall be considered illegal. Local authorities in Podgorica announced the possibility of informal dislocation of Roma and Egyptian settlements who refugee at the end on '90s from Kosovo.

One of conditions for the beginning of negotiations for membership in the EU was resolving of issues of displaced Roma, Egyptians, and Askalia from Kosovo accommodated in Camps in Podgorica. Montenegrin authority offered three possible solutions through legislation: to return in the country of origin, to integrate in Montenegrin society, or to go in the third country. According to data of Bureau for care of refugees (on February 7, 2011), 10.779 internally displaced persons from Kosovo live in Montenegro. As Bureau informed YIHR, number of internally displaced persons who voluntarily returned in Kosovo is 2679. Besides this number, significant number of persons individually returned in Kosovo but there is no official data for this. According to data of Government of Montenegro, until March 16, 2011, 1.095 displaced persons from Bosnia and Herzegovina and Croatia submitted request for the status of foreigners with permanent residence. Out of this number, 437 persons received the status, two persons were rejected, and remaining are still in process. Until the same day, 1.028 internally displaced persons required status of foreigners for permanent residence. Out of this number 421 received the status, three persons were rejected, and remaining cases are still in process. Data from Government showed that 71 person required status of foreigner with temporary residence (but it is unknown how many of them are displaced and how many are internally displaced persons). Until nowadays, none of these requirements has been resolved. On March 24, 2011, the Government defined Proposal for Law on amendments of Law on foreigners that prescribe that age for achieving right to possession of identity card for foreigner were reduced from 16 to 14 years. According to proposed amendments, deadline for decision making on requirement for approval of temporary residence of foreigner was reduced from 30 to 20 days, and possibility of issuing identity card for foreigners to foreign citizens with approved temporary residence. The Government stated that these amendments shall make employers easier to employ foreign work force.

Miomir Mugoša, Mayor of Podgorica, announced on January 19, 2011 that the city would build one or two buildings and school, in order to provide better conditions for the part of displaced persons who decide on integration in Montenegrin society. Isen Gaši, President of National Council of Roma and Egyptians said that future school should not be build only for Roma children at the territory where Camp 2 is placed. Gaši believed that school should be build near the existing school which attended children of all nationalities.

**Group of assailants – hunger strike** – Group of 17 assailants from the states of North Africa started hunger strike on March 21, 2011, requiring legalization of their residence. YIHR activists visited assailants on March 23, 2011 and were introduced with their requirements. Assailants said they were not complaining on conditions of life but were just requiring legalization of their residence, because their states were in the state of war. Assailants said that some of them were in Montenegro more than six months and added they were only verbally introduced with rights to asylum and that nobody offered them to apply with the written form. Legal deadline for providing answer on application on asylum is three months, with two months deadline for answer if assailant complains on first decision. YIHR researcher contacted NGO Legal center which provided free legal aid to assailants. They told us that written requirements were sent and four of them received negative decisions. They added that after consideration of these solutions, they would

decide on lodging the appeal. Assailant Vakas Getindag who illegally lives in Montenegro for almost half a year, received decision on leaving the state for a term not longer than 15 days. Getindag lodged an appeal on this decision. Office for asylum, which functions in the frame of Ministry for internal affairs, said they would respond on appeal for a term not longer than two months. Bureau for care of refugees said that the hunger strike might not be motivated by the manner and quality of provided assistance because access to rights that are under competence of the bureau were fully respected. Center for assailants is being built in Spuž, near Danilovgrad, therefore, assailants are accommodated at the hotel in Podgorica.

### **XIII Economic and social rights**

The Constitution of Montenegro guarantees economic and social rights to citizens. The Constitution prescribes that each person has right to work, free election of profession and employment, fair and human labor conditions, and protection during unemployment. According to the Constitution, employees have right to proper incomes and Law on labor further on precise that incomes have to be paid at least once a month. The Constitution and Law on labor prohibit each form of discrimination based on personal characteristics, or political orientation, membership in any party, or trade union organization. Employees may address employer, competent court, mediator, and may also lodge an appeal to labor inspection for the protection of their rights. Status and rights of employees in Montenegro are still at concerning level. Minimal consumer basket for February 2011 was 761.50 and average salary with no taxes and contributions was 506 EUR. Tariffs of lawyers in Montenegro are one of the most expensive in the region. Although YIHR invited competent bodies to correct lawyers' tariffs, they have not done that yet. Amending of Law on labor is in course. Representatives of trade unions in Montenegro reacted when Social Council sent the text to the Government, which was drafted by Ministry of finances, not the text of Work group formed by Social Council. Srdja Keković, President of the Association of Free Trade unions told YIHR researcher: "What is scandalous for me is that Social Council at the end considered and sent the text of amendments drafted by Ministry of finances, to the Government, which neglected harmonized text of the Work group that was formed by the very Council with the task to prepare amended text of Law on labor. I stress that harmonized version of the Work group received support of Ministry of labor, Ministry of justice, Ministry of internal affairs and public administration, Ministry of foreign affairs and European integration, and Secretariat for legislation. At the Work group which worked seven months and organized more than 40 meetings, participated also representatives of Government, Association of Free Trade union, and Universities. All members of work group signed that the text of amendments was harmonized by fully achieved consensus of all participants." Association of independent Trade unions announced protest unless the Government adopts the text of law offered by Ministry of finance. One of solutions in the text, which trade unions disapprove, is that conclusion of contract on fixed working hours is not limited.

**Fabrika elektroda (FEP) /Factory for the production of electrode in Plužine/**– Workers of FEP started 2011 with strike, requiring payment of 19 salaries, activation of production, relation of labor years of service since 2004, and payment of severances for workers who were considered as redundancies. FEP has 174 employees. Workers wanted to organize protest on January 17, 2011 in front of the Parliament of Montenegro but the Police prohibited organization of protests and on January 13, 2011 workers sent the request for meeting to President of the Parliament and Suad Numanović, Minister of labor and social welfare. Even if protests were prohibited, workers protested in front of the building of Parliament on January 17, 2011. After the protest, they spoke with Ivan Vujovic, Chief of the Cabinet of the President of Parliament and Branislav Vujadinović, Councilor for economy. That day, workers wrote and sent a letter to Igor Lukšić, Prime Minister who included his councilor Predrag Stamatović in resolving issues of workers of FEP. Lukšić personally met with representatives of workers in FEP on February 11, 2011. Then, Lukšić promised that

the Government would try to provide finances for payment of part of 20 unpaid salaries to workers. Workers received two salaries on March 4, 2011. The Government paid 430.000 EUR to FEP. Out of this amount, 110.000 EUR were for salaries and the remaining amount was for initiating production. On March 11, 2011, workers of FEP terminated protests and production in the factory begun.

**Željezara /Steel Factory/** - On January 2, 2011, Trade union of Željezara required from owner of the factory urgent activation of production. Although activation of production was announced for January 10, 2011, production started on January 24, 2011. Workers of Željezara, Radvent and Tehnostil, started general strike on March 1, 2011, at the factory requiring salaries for November and December 2010, and salaries for January and February 2011, means for apartment funds from 2008, continual production and paying off debts to engaged ones for additional work at the time of installation of new furnace. As workers did not receive payments of debts, group of workers submitted proposal for initiating bankruptcy proceedings, therefore, Commercial Court appointed following hearing for April 5, 2011.

**Radvent** – Slavko Jauković, President of Trade Union of Radvent told YIHR researcher that all 177 workers of Radvent protested on their job positions keeping the minimum of production process. Workers required payment of salaries for October, November, December 2010, and January 2011, reimbursement for 2010 and payment for apartment fund for three years in the amount of 300.000 EUR. Workers shall continue the protest until employer pays them debts.

**Tehnostil** – Workers of Tehnostil, 92 of them, required activation of production, payment of four salaries for November and December 2010, and January and February 2011. Marko Mirjačić, President of the Trade Union of Tehnostil told YIHR researcher they had required solution of status of exceeding number of employees at the same manner as for workers of Željezara, whose part Tehnostil earlier was, until privatization 2002.

**Association of disability employees of Rudnik uglja /Coal Plant/** - The Association from Pljevlja addressed YIHR office by letter saying they were in very difficult position.<sup>15</sup> They also stated that decision of Administrative Board of Rudnik uglja brought them in very difficult financial position. Workers also addressed the Board of directors to withdraw decision but there were no results. They required assistance from the Trade Union of their company but they did not provide them assistance as well. Afterwards, they decided on initiating the procedure before Basic court in Pljevlja. For that reason, as workers said, they have suffered stronger pressure. YIHR required information from Rudnik uglja on March 3, 2011 related to statements from the above mentioned letter. Vuk Roćen, Executive Director told YIHR that Association of disability employees did not exist in Rudnik uglja, that it had existed earlier and functioned as association at the level of municipality and republic, but as such, it did not exist long time ago. Roćen then negated that employees received decisions on job positions which required elementary school as the condition, without possibility of receiving coefficient. This case received large media attention through IN TV program Robin Hood. Association of Free Trade Unions required from chief Labor Inspector-Angelina Međedović to order control surveillance in Rudnik uglja after announced dismissals to disability employees. The Association claimed that numerous clues indicated that such a relationship of employers and disability employees came up after previously filed lawsuit of employees for compensations that belong to them, according to their work. On March 31, 2011, media published that 12 disability employees received decisions on redundancy. Among them were Stevan Popadić, President of Association of disability employees and Hidaet Klepo, President of Trade Union Organization. They announced they were proclaimed redundancies because they filed lawsuits against Rudnik for reduction of salaries for previous period.

**AD Lenka** – Eight workers of this company started protests in front of the building of Municipal Assembly in Bijelo Polje, on January 18, 2011. Eight of them addressed Suad Numanović, Minister of labor and social welfare and introduced him with their requirements. Workers required connection of labor years

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<sup>15</sup> The letter is in YIHR documentation

of service, payment of unpaid salaries, and solution of labor-legal status. They said that their labor years of service were not connected within the period from 2002 to 2005. Once again, on March 12, 2011 they addressed Minister Numanović, Aleksandar Žurić, President of Municipality Bijelo Polje, and Labor inspection requiring payment of unpaid salaries and connection of labor years of service.

**Radoje Dakić** – Former employees of Radoje Dakić organized meeting on January 19, 2011, in front of the building of Government and the Capital City. Workers expressed dissatisfaction over procedure of land sale. They required payment of debts, or 37 million EUR, by finances of the land sale. Workers protested on February 2, 2011.

**Rudnik boksita** /Bauxite Plant/- Payment of unpaid severances, approximately 11.000 EUR for workers of Rudnik boksita in Nikšić, who voluntarily left the company, started on January 25, 2011. Payment should be done on November 15, 2010. Borisav Bojanić, President of the Trade Union said that on February 14, 2011, social program for 230 workers who left Rudnik was finished. On January 27, 2011, workers received salary for December 2010, and on March 4, 2011 they received salary for January 2011.

**Duvanski kombinat** /Tobacco Company/ - Almost hundred workers of this company, who left it on January 20, 2011, protested because they did not receive retirement contributions for two years. They signed the agreement when they were leaving the company which stated their labor years of service would be connected, but it has not happened yet. Nebojša Stanković, President of the Trade union told that connection of labor years of service was processed and was in course at the Ministry of finances.

**Association of Trade unions of Montenegro (SSCG)** – Danilo Popović, President of the Assembly of Association of Trade unions in Montenegro said on February 8, 2011 that the account of Trade union was blocked for four months, that employees at Trade union were in strike and for violation of labor rights they were punished by Labor inspection. SSCG announced that their account was blocked after accusations of workers and payment of severances, thus they did not have finances and for that reason they could not provide payments to employees.

**Komanski most** – Zoran Radulović, member of Trade union of Special institution “Komanski most” filed criminal charge at the beginning of February 2011, against Vaselj Dušaj, new Director of that institution. In criminal charge, Radulović said that Director Dušaj physically attacked him while he was employed as receptionist. Radulović considered that the motif of the assault were his intentions to protect rights of employees. Dušaj negated these statements on assaults and threats to Radulović.

**NGO ‘Stečajci’ (workers from the bankrupt company) in Montenegro** – This NGO addressed YIHR office on February 15, 2011 saying that almost 1000 workers from the bankrupt companies from several towns in Montenegro were in very difficult position. They are workers who were proclaimed as redundancies during ‘90s, who are approximately 50 years old, and for that reason they could not find new jobs. They are registered in Employment Agency but do not receive compensations, their labor years of service have not been connected and they have no possibility to receive pension. They claimed they were victims of transition and when compared with workers who have 25 or more labor years of service, they are fully discriminated. They addressed numerous public institutions but not any person addressed them or provided assistance in resolving their status.

**Duvankomerc** – Several hundreds of workers of Duvankomerc gathered on March 14, 2011 in the company and protested due to unconnected labor years of service as the Government promised on November 1, 2011. For that reason, almost 40 of them cannot receive right to retirement and remaining 360 former workers may not exercise right to payment of adequate compensation from Employment Agency.

**NIKpek** – Workers of bakery NIKpek from Nikšić which was closed last week, started strike on March 21, 2011. Requirements of workers were payment of ten unpaid salaries, payment of contributions, and connection of labor years of service.

## **XV Conclusions and recommendation**

- Human rights in Montenegro were violated in numerous areas in the first quarter. Areas that were concerning in this quarter in comparison with the previous period were freedom of expression, facing past, politically motivated violence, religious freedom, torture, discrimination, rights of children, status of HIV positive persons, minority rights, status of displaced persons and economic and social rights.
- Although relatively good developed, institutional system does not provide full protection of human rights. This is reflected in not enough sufficient conduction of investigations after reports of cases of violation of human rights and lower level of self-initiative processing, public campaigns, public addressing, and conviction of cases of violation of human rights by official bodies. Unacceptable are statements and behavior of heads of institutions whose mandate and competencies are protection of human rights, whose goal is representation of specific groups as priority ones in protection of human rights in comparison to other groups, and giving up and failure to accept invitations from NGOs under excuse there are more important human rights or groups. Institutions dealing with human rights should be bearers of human rights protection, they should develop mutual coordination and cooperation, and should also accept NGO sector as partners. Office of Ombudsman in this quarter made progress and continued with good practice and cooperation with NGO.
- In this quarter, Higher court in Podgorica adopted acquittal verdict in case of 'Deportation'. Montenegro did not conduct qualitative process of facing past but contra-lustrous process is at the stage. Only direct perpetrators were processed but processing upon command responsibility and responsibility of order-issuing authority failed. Even in this quarter, our state did not undertake other activities with the aim of clear imposing sentence for all war crimes for which is responsible and did not establish new system of values and reconciliation. Fore that reason, competent institutions have to start new activities in next quarter, such as: issues of commemoration of the day of memory on the victims of war, issue of position of victims and members of their family, issues of reconciliation, and processing of all war crimes with expanded list of responsible ones.
- YIHR registered three reported cases of police torture in the first quarter. Protection of human rights of citizens who reported police torture in this and previous period still is not at satisfying level. Slow processing of reported cases before competent institutions and failure to include all officers responsible in these incidents still cause concern. As in previous reports, YIHR invite Public Prosecution Office to research reported cases in shorter term.
- YIHR registered more reported cases related to conditions of life and conditions for medical treatment in ZIKS, and one reported case of degrading and inhuman behavior in that institution. The largest problem sentenced persons and detainees face with in ZIKS are large number of prisoners – which is, according to statements of representatives of ZIKS, almost 50%. Competent public bodies should find solutions in the frame of legislative possibilities that would lead to reducing accommodation capacities of ZIKS. Office of Ombudsman should investigate reported cases of degrading behavior in case of R.M. fast and should inform about the results of investigation public, and if statements are true, the responsible ones should be sanctioned. So called 'family rooms' should be reconstructed due to inadequate conditions.
- Politically motivated violence is still present and is reflected through incidents, pressures, lawsuits, and inadequate verbal communication. Preparations for Census 2011 were largely marked by involvement of representatives of political parties, nongovernmental organizations, national councils, and religious communities in free opinion of citizens. All political entities have to act with

the aim to create tolerant atmosphere. On the other hand, competent institutions have obligation to investigate all reported cases and sanction responsible ones, which would significantly contribute to reduction of number of cases of politically motivated violence.

- Process of adopting Law on free legal aid is in course. Proposal for a Law does not contain numerous solutions proposed by NGO sector. The most important suggestions of NGO sector were expanding the list of providers of free legal aid and expanding the list of users of free legal aid to victims of human rights violation and discrimination. YIHR invites MPs to require these two recommendations to be included in the Law before expressing their own opinion on this Proposal for Law in the Parliament.
- Freedom of expression is still at concerning level. Cases of threatening to journalists were registered and verdicts were imposed which significantly endanger work of journalists and media. All threats and incidents towards journalists should be investigated and judicially sanctioned. The Government announced financial assistance for media and abolition of criminal offence defamation and offence for media. Prohibition of gathering aiming at expressing citizens' opinion represents endangering of freedom of expression. In these cases, when workers or citizens want to express their opinion via quiet gathering or if they require fulfillment of their rights prescribed by Law, it means prohibition of freedom of expression. Such a practice of expressing citizens' opinion has to be encouraged and not limited via Police. Even Police should use this practice carefully because expression of citizens' opinion is more important than slowing the traffic for a short period, which is the most frequent excuse of the Police for prohibition of gatherings. Imposing prohibition of gathering should be rare and only when is aiming at invitation on violence and other forms of influences, prohibited by Law.
- Imposed verdict which condemns behavior which severely violates right to freedom of religion, on the occasion of assaults on Islamic religious building in Tivat represents progress. In this quarter, small number of reported cases of endangering freedom of religion has been registered. YIHR invites Heads of religion communities to control themselves from statements which spur divisions and intolerance and from statements that would contribute to larger level of tolerance and understanding.
- Disabled persons, Roma, representatives of sexual minorities and women are the most discriminated group in the society. In the case of discrimination towards Andrija Samardžić competent public institutions process this case very slow. On YIHR's question that was sent to all ministries on number of disabled employees in their ministries, out of 16 ministries, 11 of them answered and the overall number of disabled employees was six. Public institutions and bodies have to employ number of disabled persons in accordance with law and should initiate other measures on encouraging legal entities to employ disabled persons. According to answers submitted by ministries, six persons were employed in these institutions. Behavior of citizens who wrote petition in order to prohibit construction of apartment building for Roma is unacceptable. Competent public bodies have to define themselves towards these petitions, according to Law on prohibition of discrimination. Ministry of education and sport has to consult with National councils on the occasion of election of directors in places where majority of significant part of population are minority population. Competent public institutions, firstly Minister Dinoša and Ministry for human and minority rights have to provide maximal support to organizations and representatives of sexual minorities. Any other form of behavior is unacceptable and damages the state and citizens.
- Rights of children in Montenegro are not at satisfying level and institutional capacities for protection of rights of children are not developed sufficiently. It is important to accelerate the procedure of adopting and harmonizing national provisions with international standards. Council for rights of

children is not enough operational. It is important to separate more finances from the budget for the Council and Office of Ombudsman in order to improve capacities and improve the work on protection of rights of children. NGOs dealing with rights of children should be more included in protection of rights of children and planning and adopting policies for rights of children. Competent public institutions have to conduct investigation related to incident which happened in Elementary school in Podgorica "Radojica Perović", when rights of a child were violated by revealing his identity and initials in media and marking him as villain and school drop off.

- Representation of national minorities in public institutions is not adequate. Activities that would change the situation were not undertaken in this period. Public institutions have to employ specific number of national minorities in public institutions. Minority languages are not in accordance with the Constitution and are not used in practice. For that reason, competent institutions have to respect the Constitution and laws when the use of language comes in issue. Status of sexual minorities is at concerning level. Public institutions have to provide full support to representatives of sexual minorities with the aim of better respect and exercise of human rights.
- Status of displaced and internally displaced persons is at concerning level. Internally displaced Roma from Kosovo who live in settlement Konik in Podgorica – Camp 1 and 2, are especially endangered. Collection of documents and applying for permissions for residence in Montenegro has been implemented very slowly. For that reason, construction of Center for assailants is late and they are accommodated in inadequate conditions, private houses and hotels. It is important to accelerate the construction of the Center in order to remove these failures.
- Economic and social rights in Montenegro are still at concerning level. Large number of strikes and protests of workers, who required payment of unpaid salaries, severances, and activation of production, have been registered. Employers have to respect laws, and collective contracts that were signed with workers, while public institutions should sanction employers who do not do that and should protect rights of workers.