

REPORT ON THE STATE OF HUMAN RIGHTS

for the second quarter 2012

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I Previous information

The second quarterly report 2012 of Civic Alliance (CA) includes information collected during the period from 1 April to 1 July 2012. Techniques of researching on the terrain, press clipping, analysis, interviews, insider information, and SOS phone line were used in preparation of the report. It also includes areas we have recognized as the most concerning ones through our previous work, and the accent is on the state of human rights in practice. More detailed legal analysis of standards of human rights is being prepared for the annual report. The report is preparing the team of CA composed of six members, supported by Balkan Trust for Democracy (BTD).

The European Court for Human Rights in Strasbourg rendered the tenth verdict against Montenegro. In the previous period, CA initiated the issue of citizens' informing on procedures for applying before the Court. The Government of Montenegro initiated activities on establishing the office that would provide administrative and professional support to the Representative of Montenegro before the Court. Until nowadays, Representative has not been visible and did not have its web site like Representatives from the countries in the region, which made citizens difficult to receive information about the work of the Court. Large number of applications was rejected because they were baseless. According to some statements CA has, in large number of cases, lawyers gave hope to citizens in successfulness of the procedure although its failure might be presumed according to the practice of the Court. CA registered filing of the criminal charge against Fund Pension and Disability Insurance (PIO) because it did not respect the verdict from Strasbourg in case 'Rajković against Montenegro'. The tenth verdict was 'Tomic and others against Montenegro'. The Court said there were no violations of Article 6 of the Convention.

Montenegro successfully approaches towards the European Union. In the Spring Report, European Commission recommended opening of negotiations with Montenegro. European Commission stated that Montenegro made progress in the area of rule of law and fundamental rights, including fight against corruption and organized crime. The Council of Ministers of the European Union adopted decision on 26 June 2012, on negotiations that would take place on Friday, 29 June, which confirmed the European Council at the Summit of 27 members of the

Union. The negotiations shall start with the chapters 23 and 24. Montenegro continued successful access to the Atlantic integrations.

During the second quarter, several reports related to human rights in Montenegro were published.

Freedom House – On the occasion of the World Day of freedom of press, Freedom House published the report on freedom of media in the world in May 2012 (<http://www.freedomhouse.org/sites/default/files/Global%20and%20Regional%20Press%20Freedom%20Rankings.pdf>). Montenegro has the status of partially free country, when speaking about the freedom of media and has 75th position. In June, Freedom House published the report “Societies in transition”. The report said that Montenegro did not made any progress and that democracy stayed at the last year’s level.

Ombudsman – There is no massive and systematic violation of human rights and freedoms in Montenegro, assessed the report of Ombudsman for 2011, however, the situation might not be assessed as satisfying (<http://www.ombudsman.co.me/izvjestaji.php>). Last year, Ombudsman received 720 complaints. The most complaints were related to the work of public administration, courts, public services, local self government, and the police. From the overall number of complaints, the procedures were completed in 72% of cases. In 201 cases, Ombudsman defined that rights were not violated. It was confirmed that violation of rights occurred in 268 cases. Out of that number, in 229 cases violation was eliminated during the investigation procedure.

ILGA – International lesbian, gay, bisexual, trans and intersexual association published on 15 May 2012, Annual Review of the state of human rights of LGBT population (http://www.ilga-europe.org/home/publications/annual_review/2011). The Report stated that not any country in Europe provide full equality of rights of LGBT persons. Montenegro received eight points.

State Department – State Department published the Report on the state of human rights on 24 May 2012 (http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186386#wrapper). The report stated that major problems were unresolved status of refugees, discrimination, especially gender discrimination, sexual, ethnic, and age discrimination, poor treatment of the police towards suspects, poor standards in prisons, long detention, inefficient trials, physical assaults on journalists, impossibility of access to public information, family violence, etc.

II Institutional framework in the area of human rights

Constitutional court – In this period, Constitutional court held nine sessions. According to data available at the web site of the court, 29 initiatives for the assessment of constitutionality of law were considered, out of which ten were adopted and 19 were rejected. In the same period,

115 constitutional complaints were considered. Two complaints were adopted, acting upon one complaint was postponed and in 112 cases the court rejected or ruled out the initiative. Data for two sessions were not published at the web site of the court. In the case 'Koprivica against Montenegro', the Court in Strasbourg previously said that the constitutional complaint was not effective legal tool, which confirmed in the last verdict 'Tomić and others against Montenegro'. In this period, Constitutional court organized the seminar named Implementation of the European Convention on Protection of Human Rights, with the special reference to Article 6 and Article 10 of the Convention. The budget of the Constitutional court for 2012 is 688.411,74 EUR.

The Government – Changes in organization and the manner of work of two ministries occurred in this period. At the session which took place on 25 April 2012, the Government transferred part of competencies of Ministry for human and minority rights under the competence of Ministry of justice, which changed its name into Ministry of justice and human rights. Ministry of human and minority rights changed name into Ministry of minority rights. However, information on altered names and changes in structure of the very ministries have not been updated at the web site of the Government. New competencies of Ministry of justice and human rights are matters related to human rights, gender equality, and relations with religious communities. In this quarter, Ministry of justice and human rights implemented activities in the area of gender equality, protection from discrimination based on sexual orientation, execution of criminal sanctions, especially alternative execution of punishments, in the area of constitutional changes of judiciary reforms, and the reforms of the prison system. During the second quarter, the Ministry cooperated with several nongovernmental organizations. For the 70th session, which took place on 14 June 2012, the Government prepared the Information on the model of establishing the organization of the Representative of Montenegro before the European Court for Human Rights in Strasbourg. The Information stated that the Office of the Representative of Montenegro before the European Court for Human Rights in Strasbourg for performing professional and administrative affairs had not been established until then, due to the lack of harmonization of regulation therefore, establishing of the same Office within the General Secretariat of the Government was proposed. For that reason, the Representative was not visible enough in the previous period. The Court in Strasbourg stated that the constitutional complaint was inefficient legal remedy. According to CA findings, citizens were poorly informed about the procedure of applying and were not able to examine adequacy of applications before sending them to the Court. In numerous cases lawyers forced addressing to the Court even in cases when it is clear that applications cannot pass, in order to ask for the payment for services they provide to citizens. CA invited Ministry of justice and human rights to conduct activities aiming at adequate access to the protection of human rights before the Court in Strasbourg and full provision of information to citizens about the work of the Court. Budget of the Ministry of justice and human rights for 2012 is 7.403.211, 05 EUR.

In this period, Ministry for minority rights implemented activities related to the area of gender equality, rights of Roma population, education of teachers and religious freedom. On 5 April, the Government adopted the Strategy for the improvement of status of Roma and Egyptians in Montenegro 2012-2016, with the Action Plan for its implementation in 2012. The Ministry established the Commission for monitoring of the Strategy and in its composition is the representative of NGO. The Ministry also organized the Camp of Roma language that shall take place from 25 June until 1 August 2012 in Bijela. The Ministry implemented activities on development of the Proposal of amendments of Law on minority rights and freedoms and drafted the Report on development and protection of minority population and other minority national communities for 2011. The Report was considered at the Board for human rights of the Parliament of Montenegro, where MPs stated that the Report was good and added that the country had not done enough on matters related to minority communities during 2011. At the session which took place on 27 June 2011, the Government adopted the Report. Although Department for relations with religious communities was presumed within the Ministry, Deputy Minister for this area has not been appointed yet and job positions at the Ministry have not been fulfilled yet. Budget of the Ministry for 2012 is 1.015.703, 25 EUR.

Protector of human rights and freedoms (Ombudsman) – Ombudsman implemented activities in the area of children's rights, protection of LGBT community from discrimination and achieved cooperation with representatives of national and international institutions in this period. On 26 June 2012, MPs discussed about the Report on work of the Office of Ombudsman and the state of human rights in Montenegro, which Ombudsman submits to the Parliament. The Report stated there was no systematic violation of human rights in Montenegro but concerning areas existed. Ombudsman supported announced organization of Pride Parade for 2013. Marijana Laković, Deputy Ombudsman shall participate in the work of the organization board of Pride Parade. Rainbow flag was placed in front of the building where the office of Ombudsman was, with the aim to support organizers, but was burnt by unidentified persons. Budget of Ombudsman for 2012 is 531.324,32 EUR.

The Parliament of Montenegro – Parliamentary Board for human rights and freedoms – In this period, the Board held seven sessions. On 11 April 2012, the Board held control hearing of Suad Numanović, Minister of labor and social welfare, about the state of human rights of mentally ill persons placed in institutions. In this period, the Board considered several Proposals for laws in the area of human rights, Report of the European Commission for fight against racism and intolerance, Report on the state of protection of personal data in Montenegro, Report on work of Ombudsman, Report on development and protection of minority population and other minority national communities and held public debates on Law on prohibition of discrimination in Podgorica and Nikšić. Work group initiated by the Board on development of plan for reform of Fund for protection and exercising minority rights ended its work and the Board adopted proposal submitted to the competent Ministry for development of Proposal of amendments of Law on minority rights. In this period, the Board had good cooperation with national and

international organizations and institutions. Board continued its good work, but some MPs, members of the Board, criticized at sessions organization of sessions and visits to other institutions because they were not able to participate in visits due to some other obligations in the Parliament. The Board made decision on requiring reservation of premise and time for the sessions of the Board, from the collegiums.

Council for the civil control of work of the police – During the second quarter of 2012, the Council for the civil control of work of the police, worked on eight cases. Out of this number, citizens who addressed the Council in four cases were Samir Hadžić, Marko Milačić, Svetislav Dragaš, and Milijana Vešović. After the initiative of members of the Council, four cases were initiated, such as political partiality of the police, capacities of Special Antiterrorist Unit (SAJ), security in the community and the case of Slavko Perović. The Council finalized processing of four cases. In one case, the Council confirmed violation of regulations and recommended sanctioning of police officer, and in the second case officers were praised. In the third case was confirmed that the old armament was not at the safe place and the Council could not define whether there were exceeding of police competencies. Work on remaining cases is in course. The Letter of the Council, sent on 21 June 2012 to CA, related to the case “Vuković”, stated that the work on this case was difficult and limited by communication between the Police Directorate and the Ethic Board. As they told CA, numerous information relevant for final assessment were not available to the Council, which was the problem Management of the police should urgently resolve. The Council launched its web site and achieved progress in communication with citizens. Budget of the Council for 2012 is 35.001,00 EUR.

Fund for protection and exercising minority rights – On 6 June 2012, the Parliament of Montenegro appointed new members of the Managing Board of Fund for Minorities, after MPs, who were members of MB of the Fund, had to resign after amendments of regulation on conflict of interest. Three members, proposed by Democratic Socialist Party (DPS), were appointed. Two members of Social-democratic Party, one member from the club of Albanian parties, one member from New Serbian Democracy and one member from the Bosniak Party. The report of Public Audit Institution (DRI) on control audit of the Fund was published in May. The report stated a lot of irregularities and that the Fund did not fulfill recommendations From DRI. Most important is that the Fund did not control the money allocate for implementation of projects, and that significant finances were spent inappropriately. The most concerning matter is allocation of funds to the users who had not delivered reports for previous projects, which was important condition for future funds. The Fund has its web site which is not updating regularly, so, all information on actual activities of the Fund stay unpublished. At the session that took place on 29 June 2012, Managing board of the Fund made decision on opening the competition for the first allocation of funds for financing and co-financing of projects from the means of Fund for protection and exercising rights of minorities. Budget of the Fund for 2012 is 895.330,00 EUR.

Agency for protection of personal data – According to the systematization of job positions, there are 18 employees at the Agency, out of 25 presumed. Proposal of amendments of

Law on protection of data on personality and Proposal of Law on free access to information which define that the Agency shall be the institution that shall monitor the implementation of these two laws, are under Parliamentary procedure. If laws would be adopted, the Agency shall be named Agency for the protection of personal data and free access to information. The Agency implemented Twining project that shall be closed on 28 June 2012. The project included the following activities: harmonization of Law on protection of personal data with the EU legislation; analysis of almost 30 national laws and recommendations for their harmonization; training of employees at the Agency and other national and public institutions and education of citizens. At the closing of the project, Šefko Crnovršanin, President of the Council of the Agency announced that the Agency shall start in future to initiate issues of misdemeanor responsibility. In May, the Agency presented the Report on the state of protection of personal data in 2011, on which MPs discussed on 28 June 2012. In this period, the Agency had good cooperation with civil sector. Budget of the Agency for 2012 is 42.437,25 EUR.

III Universal Periodic Review (UPR)

Universal Periodic Review (UPR) of the state of human rights is the new and unique process initiated by the UN with the aim to improve the state of human rights and is one of the mass processes because all UN members are included. Within this process, during four or five years the state of human rights is being considered in all UN members, through three sessions in a year which consider the state of human rights in more than 40 countries. After each review final report is preparing stating recommendations for each country that shall have to be implemented until the following cycle. In the following cycle the country reports about the implementation of recommendations in practice. Other countries assess another country. The Committee that monitors implementation does not have clear sanctions for the country but the country fails to fulfill recommendations provided by other countries until the next cycle, it may be significantly endanger the reputation of the country in international community. In this manner, countries are supported to implement recommendations they received and adopted.

The role of nongovernmental organizations in UPR is participation in the process of national consultations organized by the country, provision of the independent report, lobbying of the Work group members, appearance at the plenary session before adoption of the report and monitoring of implementation of UPR recommendations.

The second phase of UPR for Montenegro starts this year. The first review of the state of respect of human rights in Montenegro took place on 3 December 2008 and the second review for Montenegro shall take place on 21 January until 1 February 2013 at the 15th session. All interested ones may submit reports until 16 July 2012, and the period after this, nongovernmental organizations may use for lobbying at the national and international level for the adoption of their recommendations and discussion about them at the plenary sessions.

On 20 April 2012, CA invited NGOs to use the opportunity for associating in coalitions and to contribute by joint capacities to achieving higher level of human rights from their areas. Interest of NGOs was small. Public call announced by the Ministry of foreign affairs and European integrations on 8 June 2012, also caused small interest of NGOs. Although public call was prolonged for that reason, only three organizations applied, besides CA, Center for Democracy and Human Rights (CEDEM) and Center for the rights of children (CPDCG). The first consultative meeting with nongovernmental organizations took place on 20 June in premises of Ministry of foreign affairs and European integrations. At the meeting were agreed models of cooperation during the process of development of national report that has to be delivered until 22 October 2012. Three NGOs which participate in consultations invited all interested NGOs to submit comments on first UPR recommendations until 2 July 2012 in order to send them to Ministry of foreign affairs and European integrations which performs coordination of writing of national report. However, interest omitted even this time. Work on development of national report shall continue in July and August.

Center for the rights of children and the coalition of NGOs it collected, prepared the report on rights of children that shall be sent to the Council in Geneva soon. The report of coalition treats the issue of legal status of children in Montenegro, exercising right to protection of privacy of children in media, exercising right of children with disabilities, exercising right of children to the protection from violence in family and exercising right to accommodation of children in another family.

IV Dealing with the past

The country is still passive in the process of Dealing with the past. It still refuses to declare days to commemorate the victims even though official initiative filed. Public Prosecution Office still does not raise issues of political, ordering and mongering responsibilities.

Deportations - This year has marked twenty years since the Government of Montenegro deported at least 66 Bosnian refugees of Bosniak nationality authorities of Republika Srpska, of whom the largest number was killed. The country has not yet declared a day of remembrance or even built a monument to the victims. NGO Human Rights Action filed Initiative to municipality Herceg Novi to build a monument to the victims and declared a day of remembrance. President of the Municipality of Herceg Novi told media on 29 May 2012 that the city was not ready to support the Initiative of NGO Human Rights Action. Then Prime Minister Igor Lukšić said that the memorial to civilian victims was in Pobrežje in Podgorica. Ranko Krivokapić, President of the Parliament said on 31 May 2012 that this issue would be on the agenda of the Parliament.

The trial that was scheduled for 29 May 2012, was postponed due to illness of Branko Bujić, one of the defendants. Lawyer of Bujić, Zoran Piperović told media that the trial was postponed for an indefinite period.

On 17 April 2012 Montenegrin Public Prosecution Office began examination of witnesses on deportations in Sarajevo, in cooperation with the Bosnian Prosecution Office. The first day three victims passed the hearing. Witness Elvira Rikalo accused a former police officer Slobodan Pejović for arresting three of her brothers in the police action of arrests and deportations of refugees in 1992 in BiH. Hearing of witnesses was initiated by the movie of journalist Šeki Radončić "Hero of our time" in which members of families of deported persons marked Slobodan Pejović as a police officer who arrested their relatives who were then deported. As the media reported the Prosecution Office, when completed the investigation, requested amendment of the investigation through the examination of witnesses from BiH, Serbia and Republika Srpska.

Morinj - Court of Appeal will review on 5 July 2012 the complaints of Prosecutor and the defense to the last sentence from 25 January 2012. According to the verdict from January, four of the former Yugoslav People Army (JNA) members were sentenced to a total of 12 years because, according to the court, they committed criminal offense of war crimes against prisoners of war in the camp in Morinj, near Kotor, in 1991 and 1992. Špiro Lučić and Boro Gligić were sentenced to three years, Ivo Gojnić to two and Ivo Menzalin to four years imprisonment. Due to lack of evidence, Mladen Govedarica and Zlatko Tarle were released.

Kaluđerski laz - The trial to seven former members of the Yugoslav Army (VJ), Predrag Strugar, Momčilo Barjaktarević, Peter Labudović, Aco Knežević, Branislav Radnić, Miro Bojović, Radomir Đurašković and Bora Novaković did not take place on 26 June 2012, but due to illness of a lawyer Slobodan Novaković, was delayed for 14 September 2012. Novaković is a defender of the three accused. War crime in Kaluđerski laz occurred in 1999 in municipality Rožaje. In April 1999, 23 Albanian civilians were killed in Kaluđerski laz, and among them were children, women and elderly.

Bukovica - Acting on the appeal of the Supreme Public Prosecution Office and complaints of damaged family lawyer, on 23 March 2012 the Court of Appeal reversed the verdict of the High Court in Bijelo Polje, by which seven former members of the Yugoslav Army and Ministry of Internal Affairs of Montenegro, were acquitted of judgments they had committed crimes against humanity from Article 427 of the Criminal Code in relation to Article 7 paragraph 2 of the European Convention on Human Rights. The accused were charged for inhuman treatment over civilians, Muslims and Bosniaks, for inflicting them great suffering, endangering the health and bodily integrity. Six people were killed and hundreds were expelled. The Court of Appeal found that the offense for which the accused were charged was not a criminal offense and reversed the first instance verdict, by which the accused were acquitted due to lack of evidence that they committed the criminal offense against humanity. The court acquitted them because the offense they were charged was not an offense. The Court explained this decision saying that criminal offense was not prescribed as the criminal offense at the time as the indictment said was committed. Sava Popović, lawyer of damaged ones, told CA researcher that the verdict was final and that the state prosecutor could then file extraordinary legal remedies, such as the request for the protection of legality, which practically may not affect the acquittal against the accused ones.

V Torture, inhuman and degrading treatment

Police torture

CA registered a five reported cases of torture, inhuman or degrading treatment or punishing by police officers, in the second quarter. In the quarter was actualized the problem finally accused police officers for violations of human rights, who are still police officers. Based on the findings of CA, some police officers were have been convicted more than once. The last example is a police officer Božidar Jauković for whom Department for internal control of work of the police determined he had exceeded the powers of the incident in which the former leader of LSCG, Slavko Perović suffered serious bodily injuries and who was convicted three times in the previous period. CA has invited several times in this quarter called Božidar Vuksanović, Director of the Police Directorate to investigate responsibility of the higher ranked officers to Jauković, announce how many police officers were sentenced and to dismiss them from the police. Until the publication of the report we have not received the requested information.

Case Rožaje – Appellate court confirmed the acquittal to the police officer Dejan Radević for the attempted of murder. Radević was charged for the attempt of murder while performing official duties in apprehending Asmir Dacić to serve his sentence, on 13 December 2012, in Rožaje.

Case Šoškić - Miroslav Šoškić died on 17 December 2008 while trying to escape from police pursuit. Miroslav's father, Vladimir Šoškić claimed that the police was responsible for the death of his son. Medical Board of the Medical Faculty in Podgorica stated that based on the autopsy record of pathological and histological analysis, the study subsequently submitted photo-documentation, was not possible to provide precise statement on the caused head injuries (fall, crash), especially the appearance and localization of fractures of the skull, which clearly requires exhumation and autopsy again, because the same action would exactly localize central fracture and break lines and thus greatly enable the elimination of existing concerns. Exhumation of body of Šoškić took place on 12 April 2012. Record of exhumation stated that Miroslav Šoškić received at least two blows with a blunt, heavy and strongly waved mechanical object. One stroke he received in the area of the left eye and another one in the right parietal area. After hitting in the area of the eye he was able to walk, but after a stroke in the right parietal area he was not because there was a fracture of the skull, and consequently the loss of consciousness, after which he could not perform any movements. Also, it was stated that these injuries could not have caused by the mechanism of fall, or in water, nor could have appeared by floating in water, but only as the result of two independent blows with blunt and strongly waved object. Faculty of Medicine - court medical board filed to the High Public Prosecution Office on 11 June 2012, a letter stating the board had not achieved harmonization of reviews of two findings, the last one on the exhumation from 12 April 2012, and the first findings of the professor Dr. Dragana Čukić. After that, the Prosecutor then sent the case file to the Medical Faculty in Belgrade to deliver its opinion.

Case of Aleksandar Pejanovic – The court proceeding for beating up of departed Alekandar Pejanović at the police premises in Podgorica 2008, continued in this quarter. Lawyer Dalibor Kavarić told CA researcher: "Institutional obstruction of the procedure of revealing the main perpetrators of the beating of Pejanović continues. All hearings were postponed several times under similar reasons, this time with the active participation of the Court and the Prosecution office which comply the requirements of accused persons in terms of delaying, prolonging, putting mild acts instead of really committed acts, with the ultimate goal not to reveal commanding persons from the top of the Police. Police continued, under the new Director, with the same forms of circumvention of the Law and Justice in this case. "The trial continues in September.

Case Peković - Neđeljko Peković reported to CA on 20 April 2012, the incident that occurred that day in Berane. Peković accused police officer Vljako Babović for the physical assault and for beating him in the back area. According to Peković's statements, Babović was in civilian clothes, and after he struck him, he moved hand toward the belt where he usually keeps the gun. Then he left. Pekovic accused Babović for the attempt of murder due to the incident that happened on 2007. Peković believes this is just another pressure and threats regarding the trial for the incident in 2007. He reported the incident to the police in Berane and media. Pekovic has required several times publicly from the competent institutions to suspend the accused policeman for the attempt of murder, for assault and pressures he suffers from him.

Case Koprivica – Fan of the basketball club 'Sutjeska', Miloš Koprivica said that he received ten stitches at the back of the head and the front of the head, by the police officers at the basketball game between clubs Budućnost and Sutjeska. Miloš told for the daily 'Vijesti': "We got out from the bus and gathered to march in the hall to cheer. Suddenly, three or four defenders appeared and ordered us to return to the bus. We all gathered at the back door and at one point we were surrounded and they began to beat us. I first got hit, at the right area of the head, and immediately followed another hit at the back of the head." Director of Police Directorate, Božidar Vuksanović ordered an immediate investigation and announced he would initiate disciplinary procedures if it would be determined that there was an excess of power. Koprivica was not the only fan who was injured in the incident.

Case of "Homophobia" - Daily 'Vijesti' published on 16 June 2012 the information that two police officers expressed homophobic standpoints during the intervention in a family quarrel. Two police officers stood to the side of parents of the girl who told them she was lesbian and therefore, they expressed homophobic standpoints. For that reason, the girl had to leave the family home and be in the shelter of NGO LGBT Forum Progress. The article stated that two police officers apologized to the girl and her parents. The apology was accepted and the girl gave up of the disciplinary prosecuting of police officers.

Case Terzić - Milan Terzić from Pljevlja addressed CA on 27 June 2012, claiming that police officers in Pljevlja did not want to protect him from his neighbor, M.Đ. Terzić claimed

that on 7 November 2011, M.Đ fired about 20 bullets with the machine gun into the vehicle of Terzić. This incident was preceded by several reports of Terzić to the police Pljevlja against M.Đ. As Terzić claimed, M.Đ. had strong relations with the police and therefore, charges against him M.Đ. have not been processed. In this actual case, the police filed criminal charges against M.Đ. for illegal possession of weapons and explosives and through the trial he was sentenced to 45 days imprisonment. For such actions of the police in Pljevlja, Terzić addressed the Director of Police Directorate and the Supreme State Prosecutor.

The incident at the match Petrovac – Budućnost – The incident in which were injured about ten fans and ten police officers occurred at the match between Petrovac and Budućnost on 9 May 2012. Photographs that showed that police officers beat up with truncheons supporters of clubs who stood in front of the bus, appeared on the Internet. GA addressed Department for Internal Control of Work of the Police to investigate whether the police officers exceeded their competencies and therefore contributed to a larger number of injured fans and police officers. The Department responded to CA on 26 June 2012 that the incident caused the members of the fan group "Barbarians" and that police officers did not exceed their competencies, but using the force in this case they contributed to calming the passions and generally establishing public peace and order. The Department did not investigate whether the police officers who were on duty had training for incidents at sporting events.

Situation in ZIKS

In cooperation with the management of ZIKS, CA checked a large number of allegations on violations of rights of convicted persons and detainees, in this quarter. A change of leadership of ZIKS occurred in May. New Director of ZIKS is Miljan Perović. Representatives of CA and ZIKS had a meeting and agreed to sign a Memorandum of Understanding. The process is in course and is expected that the Memorandum will be signed in July. On 27 June 2012, 1.206 convicted and detained persons were in ZIKS, while the number of accommodation capacities is 1.100. There are 506 employees in ZIKS, out of whom 476 officers are in direct communication with the prisoners. In this quarter, convicted persons committed 38 disciplinary offenses. The most common disciplinary offenses were possession of illegal substances and materials, fights and causing bodily injuries. Punishments that were imposed to convicted persons were isolation from 11 to 30 days. In this quarter, officers of ZIKS used coercive measures seven times. In one case was registered excessive use of physical force. In this case, disciplinary proceeding was initiated and officers were punished with a 30% salary reduction and were transferred to another job position. There were no cases of assaults on officers of ZIKS in this quarter. The number of convicted persons who were employed was nearly 360. The structure in the health care ambulance is as follows: 20 employees out of whom, in ZIKS (Spuž), were employed two doctors, one dentist, a physiotherapist, three lab officers, eight medical technicians, a pharmaceutical technician, and one dental nurse, and in prison in Bijelo Polje one doctor and two

medical technicians. For the period from 1 April to 1 July, 2.373 medical exams were carried out in the Institution for Execution of Criminal Sanctions. Besides the treatment in ZIKS, detained and convicted persons have the possibility of treatment outside the Institute. For detainees, the court should approve medical treatment out of ZIKS. In the period from 1 April to 1 July, medical care was provided in other institutions 240 times.

Ministry of Justice and Human Rights was in charge in the second quarter of 2012, to develop and deliver to the competent working body an analysis of the state of normative framework and current practices in organizational structure of criminal and prison system. The Ministry works on adoption of two laws that will arise from the existing Law on Execution of Criminal sanctions. These are Proposal of Law on enforcement of punishments of deprivation of liberty and the Proposal for Law on enforcement of alternative sanctions. The analysis stated that the activities on construction of building for the prison hospital shall be carried out, facility for execution of long prison sentences and facility for the religious needs of prisoners, and reconstruction and adaptation of facility of former prison restaurant for the needs of the restaurant kitchen. It was stated that resources for investment in construction of these facilities were planned by the budget for 2012, 2013, and 2014. The total value of investment in prison for a long sentences is 2.7 million EUR, a prison hospital two million EUR, and prison unit Bijelo Polje 2.8 million EUR. The Ministry announced that cooperation with the Catholic spiritual center "Sanctae Crusis" in Tuzi would be formalized, which would provide cooperation in the field of enforcement of criminal sanctions, especially alternative execution of punishments. From the Police Academy in Danilovgrad, came out the first group of 23 trained prison officers, in this school year. ZIKS and the Ministry continued good cooperation with NGOs.

Action for Human Rights (HRA) presented on 22 June 2012, the report "Respect of human rights of detained persons and persons serving a sentence at the Institute for Execution of Criminal Sanctions." The report dealt with the prevention and protection of violation, conditions of accommodation, health services, treatment, contact with the outside world and employees. The report concluded that out of 59 recommendations, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), referred to the Government of Montenegro, in its report on the visit to Montenegro from 15 to 22 September 2008, six were fulfilled, 16 partially fulfilled, while 37 have not been fulfilled. Visits to ZIKS were carried out in the period from November 2011 to February 2012.

GA has been informed by prisoners that ZIKS purchased more copies of daily newspaper 'Pobjeda' in comparison to other daily newspapers. GA researcher was informed from ZIKS that neither Law on Execution of Criminal Sanctions or other act stipulate that ZIKS provides newspapers or other publications to prisoners. Nevertheless, ZIKS every day provides 20 copies of daily newspaper 'Pobjeda' and put them available to prisoners

Employment - Convicted persons who served imprisonment sentence hardly find employment. According to their testimony, employers discriminate them and do not want to hire

them because of their past. They testified that because of the situation, the largest number of prisoners return to committing of crimes.

Treatment - At the end of June 2012, convicted persons informed the public through the media that officers in ZIKS were not qualified for the job related to treatment and that they neglect their duties. Management of ZIKS announced that all 20 employees met the criteria prescribed by the Rule on systematization, but that five officers did not meet conditions in terms of educational background. Convicted persons said that officers perform interviews inadequately and expressed doubts in the competence for providing opinion essential for parole.

Rooms for spouses - Three rooms that were intended for the visit of spouses are still in places that cannot provide privacy. Rooms may only use spouses but not unmarried couples. Duško Marković, Minister of Justice and Human Rights announced that the right to visit shall have unmarried partners and homosexuals. The new management of ZIKS announced that the existing rooms will be equipped and arranged. So far, rooms were equipped with inadequate furniture, they were humid and air conditioners often did not work. These rooms cannot serve even for family visits.

Parole – During the period from 1 April to 1 July 2012, parole was approved by director for 234 persons, and the Commission for parole approved parole for 112. On 21 May 2012, several convicts who serve their sentences in Bijelo Polje publicly announced they would cut their veins because they were discriminated in terms of conditional release. Namely, they confirmed they fulfilled conditions for parole and that they received promises from the authorities of ZIKS but they were never at the list of those who receive parole.

Hepatitis C – During May, the convicts said that the research was done by the Institute of Public Health and that it was found the presence of Hepatitis C among a large number of prisoners. The Institute announced that the data had still been processed and that they would be publicly presented after completion.

Case Terzić – Record of the pathologist from Slovenia showed that Milivoje Terzić committed suicide, announced the Prosecution Office to media on 9 May 2012. The case attracted public attention as pathologists Miodrag Šoć and Dragana Čukić came to different conclusions. After that, Prosecution Office made decision on entrusting expert opinion on pathological findings to the Ljubljana University. Prosecution rejected the request of CA for free access to information, or the copy of the records from Slovenia, with explanation that this type of information cannot be obtained on the basis of the Law on Free Access to Information.

Hunger Strike - In this quarter, prisoners were on hunger strike. Convicted person Vanja Radović was on hunger strike in April. Radović was on strike because his rights to move to the semi-open ward were violated while he claimed he met the requirements. In June, almost 150 convicted persons were on strike. They required respect of their fundamental rights, to end the practice of work that goes into favor of officials. Convicts started a hunger strike because they

believed that in the incident which occurred on 27 June 2012, out of six disciplinary sanctioned persons, only two convicts were guilty. Management of ZIKS informed CA that on 27 June 2012, occurred a fight between prisoners P.S. and A.Z., and as participants in a fight, the suspects were M.B., R.Š., B.L. and I.M. Three prisoners were disciplinary punished to 21, 5 and 21 days of isolation. In the first instance proceeding, even other suspects were punished with seven days isolation and up to 21 days isolation. Upon timely objection lodged and collecting new information and data required, in the second instance proceeding, three persons were acquitted from disciplinary responsibility. As the sign of protest, two convicted men were inflicted themselves minor injuries. From ZIKS was announced that shortcomings in the performance of duties of officers in ZIKS were not identified.

Case Đurković - Marko Đurković, detainee reported he was beaten by security officers on 3 May 2012. According to information sent by the ZIKS to CA, security officer performed the counting of detainees. Đurković refused orders to officers to get up from the bed and in "high tone" he threatened him saying that no one should wake him up at the time of counting. Then the officer called other officers in ZIKS. Officers asked Đurković to leave the room and write a statement. In overcoming the resistance Đurković gave, as stated in the letter, security officer did not act in accordance with the Rule Book on the performance of official duties by applying a means of coercion in the manner and to the extent that was not appropriate and proportionate to the resistance. Management of ZIKS suspended the chief of the shift and officers who used coercive measures, until the course of disciplinary proceedings.

Case Mijović – Family of convicted Mijović accused ZIKS on 16 May 2012, because Mijović did not have adequate medical treatment since he serve the sentence. They said that Radomir had serious health problems and that he did not receive adequate medical protection.

Case Lekić – Vedran Lekić, prisoner in Spuz, said on 16 May 2012, he did not have adequate medical protection in the frame of ZIKS. Lekić said that his hand was drying and that the prison doctors did not want to help him. He accused the prison doctor for blackmailing him, saying he would never take him to treat his leg if he would complaint to nongovernmental organizations and daily 'Vijesti'.

VI Politically motivated violence

Politically motivated violence is still at the concerning level. CA registered larger number of incidents, threats and lower level of communication.

Assault on Slavko Perović – Slavko Perović, former leader of Liberal association of Montenegro (LSCG) was seriously injured in incident that happened on 6 June 2012, in Herceg Novi, in front of the restaurant DO DO at Skver. According to Perović's statement, Božidar Jauković, who was on duty, inflicted him serious injuries. Media published that citizens who saw the incident, confirmed the same. Perović said that Jauković hit him with a fist over his head. After that he fell and broke a rib. Doctors stated that Perović had contusion of head, and ribs, scratches over his knees and fist, probably caused by handcuffs. Perović was kept at the hospital in Meljine because of his broken rib. Perović sat in the bar DO DO at Skver in company of two men, where the incident with other guests happened. Perović exchanged negative comments on Montenegro and Milo Đukanović, leader of DPS. After heated discussions the police came to intervene. Perović resisted police officers to arrest him, and as the media reported he hit a police officer in the chest, after which the officer hit Perović. Perović fell and hit his head on the ground. Witnesses claimed that police officers did not allow citizens to help Perović as he lay on the ground. Police Directorate announced that the police officer was suspended from work until completion of the investigation. According to CA findings, so far, the police officer was sentenced three times for causing serious and minor injuries to citizens while he was on duty. Although the Law on Police provides that employment shall be terminated to employee who has been sentenced, in this case it was not respected. Police Directorate announced on 7 June 2012 that analysis showed there was 1.55% of alcohol in Perović's blood. CA addressed to the Agency for protection of personal data with the request for the protection of rights and the opinion whether the Directorate violated in this manner the right to protection of personal data. However, we have not received the information until the publication of the report. Internal control of work the police determined that Jauković exceeded competencies and confirmed the information that Jauković was sentenced in previous work three times on probation. The assault was condemned by the Prime Minister and President of the country and Republic, many political parties, NGOs and individuals.

The lower level of communication at the public stage - During the protests that were organized during the quarter, on the occasion of poor social and economic situation in the country, lower level of communication between the Union of Free Trade Unions, the Students' Union and MANS was noticed. On the other hand, Zoran Vukčević, the representative of Democratic Party of Socialists, wrote in an article in the daily "Pobjeda" on 10 May 2012 the following: "Actions of the opposition are based on hatred; and not only of the opposition but also actions of the hidden politicians, independent trade unions, one-sided tabloid editors and their directors. In their hatred they go so far as and spy their country, betray their friends, aspire to street riots. "

Hate speech:

- "**Pobjeda**" – Civic Alliance sent a letter on 18 April 2012, to the Council for media self-regulation requested from the Council to determine whether the publication of the article "Milo's ballerina", which was published in "Pobjeda" that day, violated the Code of Ethics and media

standards. The Council has not replied on the Initiative of CA Initiative, although it issued a report for that period.

Milka Tadić Mijović, journalist in 'Monitor', Svetlana Broz, NGO GARIWO Sarajevo, Sonja Radošević, a freelance journalist and member of the Institute for Research of Genocide, Tanja Pavićević, journalist in 'Vijesti' and Milena Perović Korać, journalist in 'Monitor' wrote to Prime Minister Igor Lukšić to require from the Prosecution Office to start proceedings for sanctioning responsible persons in daily "Pobjeda" for violating the law and discrimination based on gender and beliefs to which they were exposed for a long time, as stated in the letter. Journalists emphasized in the letter that the Government of Montenegro financed and managed the daily "Pobjeda" and was, besides the newspaper's editor, responsible for discrimination based on sex, belief, political or other opinion, spread hatred and incitement to violence, threats to freedom of speech and expression and the threats in articles published in the section "Others write", entitled "Letters from Sarajevo, during 2011 and 2012." The following qualifications were used in these articles: "scum", "whore in the pants", "hogwash", "goose", "raspadenica", "radodajka", "internet sharpshooter", "dog in the skirt", "humbug", "Moracka whore", "blow it", "nothingness". Journalists accused "Pobjeda" saying: "In addition to the language which incites hatred towards women and opponents, text directly invites for violence in a number of statements such as: 'they deserve the beatings that they drank, and there will be more', 'they will get their highly appreciated ass kicked', 'they will get by the foot under the back', 'thieves mature for Čepurke' etc.". Journalists said they were convinced that was politically motivated violence aiming to prevent their professional engagement on shedding light on responsible ones for war crimes committed in the past and shed light on the non-transparent affairs and relations of the state, economic and the crime top. On 12 April 201, from the Cabinet of Prime Minister arrived a letter to the journalists saying that that the Government did not interfere in editorial policy of media, including media that were owned by the state. In its report for the first quarter of 2012, CA wrote on the series of articles published in this newspaper, where lower level of communication with offensive content was registered. Milka Tadić Mijović, Milena Perović Korać, Sonja Radošević and Svetlana Broz filed on 24 April 2012 criminal charge against 'Pobjeda', Srđan Kusovac, editor in chief of 'Pobjeda', Miodrag Ivanović, former executive director of 'Pobjeda' and Lav Lajovic, executive director of 'Pobjeda' for suspicion they had committed crime of racial and other discrimination in the extended duration from the Article 443 Paragraph 1 in conjunction with Article 49 Paragraph 1 of the Criminal Code of Montenegro, in concurrence with the criminal offense of endangering the safety in extended duration from Article 168 Paragraph 2 related to Paragraph 1 in conjunction with Article 49 Paragraph 1 of the Criminal Code of Montenegro.

At the basketball game, Montenegro - Serbia – At the basketball game broadcasted by public service RTCG, between women representation between Montenegro and Serbia, played on 13 June 2012, fans of Montenegro were chanting "Hang the Serbs from the willow trees" On the other hand, supporters of Serbia chanted "Ustasha, ustasha" during the Montenegrin anthem. Serbian Democratic Party has condemned the behavior of the fans and said that unless competent authorities provide an adequate response, they would file criminal charges against the authorities in Basketball Federation of Montenegro.

Mugoša - Milovac - Dejan Milovac from MANS, said on 11 April 2012, Miomir Mugoša, Mayor of Podgorica threatened and insulted him during the session of the Assembly of

the Capital. According to Milovac's statement, Mugoša told him: "You will see when I come up there" and "You will see when we go outside."

Ivan G. from Zagreb publicly announced on 13 May 2012 that he was verbally provoked by two persons while he was driving car with Croatian car number plate. The incident occurred on 12 May 2012, as he was driving from Bar to Podgorica. Ivan G. stated that he had received threats and insults that were ethnically motivated. Ivan G. reported the incident to the police in Podgorica.

Konjević - Popović - Raško Konjević, MP of the Social Democratic Party of Montenegro, filed on 16 May 2012 the criminal charge against Cedomir Popovic, the owner of "Carina" because, as he said, of threats Popovic sent him via mobile phone. The incident was motivated by Konjević's public criticism of the contract which the Mayor of Podgorica, Miomir Mugoša Popovic signed with Popovic, about the sale of land.

Mandic - Lalošević - Incident between members of opposition parties Andrija Mandic, the President of NOVA and Vasilije Lalošević from SNP, occurred in the Parliament, at the assembly on 16 May 2012. The conflict prevented other MPs. MPs insulted each other and called for physical resolution of the conflict.

Kukuličić - Maras - At the session of the Parliament of Zeta, held on 5 June 2012, happened an incident between members of New Serbian Democracy, Momcilo Kukuličić and President of the Assembly, Milenko Maras. The reason for the incident was scheduling of an emergency meeting at which was discussed about the report of the public enterprises, institutions and companies in the capital last year. Other council members prevented physical conflict, beside the verbal conflict.

Simonovic - Brković - On 15 June 2012, the journalist Budo Simonovic, publicly accused the writer Jevrem Brković for threatening Simonović over the phone. Simonović said he had received threats from a landline phone and later he found that the number was owned by Jevrem Brković. Simonović said he suspected that the reason was his book "Small rabbit". Simonović said that the publisher of the book had also received threats from the same number. Brković denied allegations of Simonović. Simonović said he would not submit criminal charge and that he would not file criminal charge and that his public addressing was enough for the competent institutions.

Destroyed flag – The Police in Danilovgrad filed a request for initiating misdemeanor procedure against two minors and N.M. due to the suspects they had cut Montenegrin flag. Police Directorate stated that the suspects took the flag from school, cut it at the plateau in front of the school.

VII Right to fair trial

In this quarter, CA has registered more reported cases of violations of rights to fair trial. According to the European Convention on Human Rights and Fundamental Freedoms In the

determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

In period April-May 2012, CA conducted monitoring of basic courts in Montenegro. It was monitored 516 trials. The research found that out of the total number of trials in which should be ex officio lawyers or lawyers who provide free legal aid, 82% of them were not present and more than 50% were not ready for the hearing / trial. Out of 44 trials in which translators-interpreters were needed, even in 38 cases translators-interpreters were not present at trials, while out of 149 trials in 97 of them expert was not present. Public attendance was provided in 99.2% cases, and in other cases the public was excluded, because minors were tried or divorce proceedings were in course. Due to the lack of premises, the public was excluded in 0,78% cases.

Basic Court in Kotor rejected request for access to information sent by CA on 14 June 2012. CA required submission of copies of the judgment with a specified number of judgment and the date when it was pronounced, by which police officer B.J. was convicted for violation of human rights while performing official duties, as well as information whether the judgment was final. In its explanation, the court said that the publication of such information would significantly endanger the privacy or other personal rights, or violated Law on Free Access to Information or its provisions in Article 9 Paragraph 1 item 6 line 1. In its reference, the court addressed to the legal position of the Supreme Court of Montenegro, which says: "The access to information will not be allowed when specific individual right decision is required." On 29 June 2012, CA sent a complaint arguing that the Court did not take into account the public interest and therefore did not fully interpret the law, which confirmed positive decisions of other courts addressed by CA.

Case Turković - Srdjan Turković, from Mojkovac, reported to CA he was a victim of police torture and that the competent public Prosecution Office rejected to investigate the responsibility of police officers but the after the police report for the assault on officer, it presented indictment against him. Turković is a person with disabilities, unemployed and the member of family who receives the family allowance and meets all other requirements for obtaining legal aid. On 1 March 2012, Turković delivered application for obtaining free legal aid to the Basic court in Bijelo Polje because of charges filed against him by the police for assault on police officer while performing official duties. Prosecution Office filed bill of indictment of the Basic Court in Bijelo Polje on 24 April 2012, for suspicion of committing an attack on official while performing official duties. Basic Court in Bijelo Polje made decision on 8 May 2012 on approving Turković right to free legal aid even though the law stipulates that a decision is made within 15 days. During this period, Turković appeared in court four times without a lawyer.

The case of L.K. - Basic Court in Podgorica made a decision against Albanian citizen, L.K., sued for divorce. The decision required that the application she filed on Albanian language should be provided in a language in official use in court, within three days, and if not returned

without correction, it should be rejected. L.K. understood only Albanian language. In accordance with Law on free access to information, through a test of the openness of the courts for citizens, CA required from Basic court in Podgorica and Higher court in Podgorica, on 11 May 2012, information whether this kind of conduct is the practice of the courts and which languages are officially in use. However, we have not received the response until the publication of the report. Code of Civil Procedure of Montenegro stipulates that parties and other participants in proceedings have the right, in court proceedings, to use their own language or a language they understand, that the invitations, decisions and other court documents shall be sent to the parties and other participants in the proceedings in a language that is officially used at court. If any of languages of national minorities is in official use, the court shall send court documents in that language to those parties and participants in proceedings who are members of that national minority, and who use the language in the proceeding. According to the same law, parties and other participants in the proceeding send complaints, appeals, and other applications to the court in the language which is in official use at court, and may send to court applications in language of national minorities which is not in official use at court, if this is in accordance with law. Law on Minority Rights and Freedoms defines that minority people and other minority national communities and their members have the right to use their own language and alphabet, among other things, in the administrative and court proceedings and in conduction of administrative and judicial proceeding. The lawyer representing L.K. told CA researcher that after his addressing to the court and indicating on provisions of applicable law and international documents, the court engaged an interpreter who translated charges and other documents. However, the lawyer said that the court did not return the proceeding at the beginning because numerous legal actions that may cause damage to L.K. were previously taken.

Case of Bulatović - Supreme Court of Montenegro made decision on payment of 2.000 EUR by the country to Željko Bulatović, who was convicted for the murder of Samir Usenagić, for violation of right to fair trial. The murder happened on 8 May 2001, and the trial lasted for about ten years.

Notaries – NGO European diaspora of Montenegro stated on 26 May 2012, that the introduction of notary services was business barrier for the diaspora. They concluded that notaries complicated the procedure of property and legal relations. The Notary Chamber of Montenegro replied on 29 May 2012, claiming that this issue was misunderstanding, or someone else's need to make public pressure and avoid legal norms.

VIII Freedom of expression, gathering and peaceful associating

a. Freedom of expression

In this quarter CA registered incidents, threats and pressures that significantly threaten the freedom of media and independence of journalists. Council of Europe announced on 5 June 2012 that journalism is a dangerous profession in Europe, where were registered physical attacks on journalists and added that physical attacks happen, among other countries, in Montenegro.

On 29 May 2012, one more self-regulatory body, the Press Council was established. Establishers were dailies DAN and Vijesti and weekly Monitor. After the establishment of two self-regulatory bodies at the national level, on 11 April 2012, in Pljevlja was established self-regulatory council for local and periodical press. This body accessed 11 media.

The eighth anniversary of murder of newspaper editor, "DAN", Duško Jovanović, was marked on 27 May 2012. Authorities still have not identified and prosecuted the perpetrators of the murder. The only sentenced to 19 years imprisonment is Damir Mandić.

Olivera Lakić - The trial for assaulting journalist Lakić began on 28 May 2012. Journalist Lakić, who was beaten up on 7 March 2012, confirmed that Ivan Bušković attacked her. Accused Bušković denied allegations that he committed the attack on Lakić. Since February 2011, Lakić began receiving threats and it all started after when she began publishing articles on suspicious operations of tobacco factory "Tara" in Mojkovac. Due to endangering security of journalist Lakić, for writings about the operations of the tobacco factory "Tara", the Basic Court in Podgorica sentenced Slavko Musić to four months imprisonment, while Marko Piper was acquitted. The trial to the accused Bušković continues on 17 July 2012.

Marko Milačić – Journalist Marko Milačić published on 8 April 2012, the information that Veselin Barovic, close friend of former Prime Minister Milo Đukanović, insulted and threatened him. According to Milačić's statement, Barović told him at the club "Nice Vice" in Podgorica "If you mention me once more I'll f...your mother." Milačić said that Barovic "caused" a rupture of the bones of his hand. Milačić filed criminal charges against Barovic to the police. Milačić is a former journalist at the Television of Montenegro, who previously announced he was discharged from public service because of the critics he publicly expressed against Prime Minister Đukanović. A group of journalists, NGO activists, academics, entrepreneurs and publishers condemned on 9 April 2012 the attack on journalists Milačić and invited Prime Minister Igor Lukšić to announce what the police and prosecution had done in this actual case. South East Europe Media Organization (SEEMO) condemned the attack on Milačić on 10 April 2012.

Threats to journalists in Vijesti - After writing the texts about the Lottery of Montenegro, journalists of Vijesti Rajko Milić and Zdravko Vučinić received threats in the form of a poem about murder. The poem was sent by e-mail in response to the article "Cube in hands of Mićunović and Grbović", on 11 April 2012. The owner of UPIS, Sava Grbović, was accused in the article that, jointly with his friend Branislav Mićunović, was using a friendly relationship with the top of the country in order to exercise a monopoly in the business of games of fortune, and that two of them provided themselves extra profit by relationships with the top of the country. When Vijesti file criminal charge to the Supreme Public Prosecution Office against unidentified persons from the Association of organizers of games of fortune (UPIS), from whose mail the poem arrived, it was ordered that Basic Public Prosecution Office and the police immediately take actions ex officio. Chief Editor of Vijesti, Mihailo Jovović said: "In the absence of argument that would challenge or deny the allegations in the article 'The country protects Brano and Džigi's monopoly', UPIS requires publishing of the poem implying the murder of a person named Rajko, by the mafia. Given the fact that journalists and employees of the 'Daily Pres' have been exposed to threats and physical attacks for years and that terrorist acts

have been committing to the property of 'Vijesti', we perceive addressing of UPIS as a serious threat, particularly in the light of interests for which the association operates. It is normal that all these facts cause a feeling of vulnerability and insecurity of colleagues, but this is the ambient created by this authority and where we already function for ten years." Sava Džigi Grbović replied in the name of UPIS, who is marked by Vijesti as the person who jointly with Branislav Mićunović stands behind the campaign "Lottery" and "Jack Pot". Grbović did not specify who is the author of threats and insults and he said that was appealing, charming and witty poem, not a threat, adding that the poem "cannot insult and threaten anyone." On the other hand, private companies Lottery of Montenegro and Jackpot, owned and Mićunović and Grbović, filed a lawsuit against daily Vijesti and MANS due to the, as stated in the complaint, several months long smearing public campaign against these companies. Law suit entailed financial compensation in the amount of 5,000 EUR. Plaintiffs also alleged that Vijesti refused to publish their official responses to the ongoing articles.

Case Drljević – On 18th April 2012 daily Dan stated that state prosecutor's office is obstructing the processing of persons suspected for the attack on Veselin Drljevic, their Sports editor. Dan said that not even one month after completion of the investigation, Prosecutor's Office had filed charges against two suspects in this case. Dan wrote on 27th June that the court proceedings are delayed. Drljević stated that this process presents continuation of the farce of the Montenegrin judiciary.

Case Komnenić – On 18th April 2012, Council of the Podgorica Basic Court delivered the decision to journalist Peter Komnenić, reiterating the four-month prison sentence, for failing to make payment of 3,000 EU. This fine resulted from defamation lawsuit raised by the Ivica Stanković, former President of the High Court. Stanković sued Komnenić after the publication of article in weekly Monitor related to illegal secret surveillance measures conducted over several Montenegrin judges. Komnenić said that the judiciary should address this issue with people who were the subjects of his article, and repeated that he would not pay fine under the sentence he deemed as "shameful". The Higher Court suggested to Basic Court to replace the prison sentence with public interest community service, but Basic Court ignored it. Komnenić's lawyer Veselin Radulović confirmed he would lodge a complaint against this decision of Basic court.

Case Novaković - Journalist Marko Novaković on 24th April 2012 said that Djuro Vucinic, his director at NTV Montena, fired him because of his article in daily "Vijesti", in which he criticized the ruling Democratic Party of Socialists. Vucinic told media that Novakoy were presented are not suitable for NTV Montena and that Novaković was not employed in this station for over an year. He added that Novaković was producing his "Oci u oci" TV show through his private company.

b. Freedom of peaceful gathering and associating

Prohibition of gathering former employees of "Radoje Dakić" - Podgorica police banned the gathering of former employees of "Radoje Dakiće", scheduled for 25th April 2012. Although the former employees submitted request for peaceful assembly complying with legal deadlines, police decided to prohibit peaceful assembly stating they cannot take place on highways, main, regional and local roads in a manner that would jeopardize the safety of traffic and work of bigger number of citizens, especially considering the timing of protests and number of prospective protestors. Former employees applied for a peaceful gathering in front of the

Government building, for a period of between 09h and 11h. Former employees filed a complaint to the Police Director Božidar Vuksanović and the Internal Control of the Police.

Case Milačić – On 5th May 2012, journalist Marko Milačić reported that an unknown person assaulted while taking part in a protest march, organized by the Union of Free Trade Unions, MANS and the Student Union. Milačić said this person hit him over his hand. He filed a criminal complaint against unknown perpetrator, for which he doubts it is a police inspector.

IX Religious freedoms

The Government has not appointed Deputy Minister for Religious Affairs in the Ministry of Justice and Human Rights. Representatives of smaller religious communities have confirmed, in regular communication, to the researcher of CA that there were no significant violations of human rights against members of religious communities in this quarter. Vladimir Čizmanski, representative of the religious community of Brothers of Christ Church in Podgorica, said that the treatment towards his religious community was correct and that improvement in comparison to the previous period was obvious. In this quarter, the Government has not continued with signing of contracts with religious communities. Until now contracts are signed with Catholic Church, Islamic and Jewish religious communities. Serbian Orthodox Church has called upon Government to regulate their relationship with this religious community as well basing their call on constitutional rights.

Termination of meeting of Jehovah's Witnesses - Due to an incident which occurred on 17 April 2011, when religious gathering of religious community Jehovah's Witnesses was interrupted, before the Basic court in Danilovgrad was trialed the priest Slobodan Zekovic for the criminal offense prevention of public meeting. Jehovah's Witnesses expressed dissatisfaction with the manner in which the prosecution had acted because it did not accept accusations for all criminal offenses for which they accused priest Zekovic. Basic Court in Danilovgrad delivered the verdict by which defendant Slobodan Zekovic was acquitted because he did not interrupt a public meeting but religious meeting. The representative of the Jehovah's Witnesses, Damir Porobić, told CA researcher that a lawyer who represented them and the prosecution lodged an appeal on the judgment of Basic court in Danilovgrad, to the Higher Court in Podgorica. The Higher Court has confirmed the ruling of Basic Court. Porobic said that as regards to other crimes and suspects, they were expecting to schedule a hearing in the Basic Court in Podgorica. Finally, Porobic added they would not give up and added they would probably address the European Court in Strasbourg.

The case of Kolašin - Lawyer Dalibor Kavarić submitted the information to CA that on the day 14 May 2012, between 9 and 10 am, at the premises of the branch for Administrative and internal affairs of Kolašin, Orthodox nun Petra Petrovic was told that "it is ordered from the highest authorities" that all Orthodox priests and monks, who did not have Montenegrin citizenship, should leave Montenegro, before the expiration of temporary residence, or not later than 23 July 2012. According to the statements, such response Petra Petrovic received when she asked servant of that regional unit, Ljubica Bojic, about her case on the request for prolongation of her temporary residence. CA was informed that Ljubica Bojic called by phone her colleague Dragana Vujisic, who told nun Petrovic that unless they voluntarily leave the country, they were

ordered to take them to the misdemeanor judge, and forcibly expel them from Montenegro. CA received information from the branch for administration and interior affairs Kolašin, that mentioned servants were not servants of this institution, but servants of the Police Branch Office Kolašin. CA sent two letters to the Regional police Kolašin regarding statements we received and information from the Branch for administration and internal affairs Kolašin, that these servants were police officers. The response has not reached CA until publication of the report. Lawyer Dalibor Kavarić who is legally representing priests and monks from Kolasin informed CA researcher that all priests from Kolasin were denied their request to prolong temporary residence.

Administrative court abolished the decision of the Ministry of Interior Affairs (MUP) on the expulsion of priest SPC Siniša Smiljić. Smiljić was expelled on 28 June 2011, for disturbing public peace and order. Pastor Velibor Džomić said that the Body for misdemeanor rejected misdemeanor charges against Smiljić that were filed by MUP. Džomić told for 'Vijesti': "On Thursday we received the verdict by which the lawsuit was adopted, which we prepared with a lawyer Dragan Šoć and filed it to the Administrative court regarding the deportation of priests Smiljić last year. Since then, we repeatedly emphasized that legal regulations were breached lot of times and that decisions on deportation of priests were illegal and that prohibition of entry in Montenegro to Smiljić on a one year period, was especially pointless. On the other hand, Smiljić was presented as a "gangster and a tramp" and the minimum we expect from those who did this is a human apology to Smiljić and Metropolitanate and to the citizens who are deceived."

On 12 June 2012, Administrative court issued a judgment annulling a decision made by MUP in case of request for temporary residence of the priest from Pljevlja. Also, Administrative court in May annulled the decision of MUP on rejecting the request of SPC priest Velibor Džomić for temporary residence in Montenegro. Džomić was not allowed to prolong residence in Montenegro although he resides Montenegro and works as the priest for 17 years, because the Agency for National Security (ANB) delivered the opinion that Džomić endangers national security and public order and peace. Velibor Džomić has never been introduced with the document and has announced new proceeding. He accused the leader of Social and Democratic Party and accused Ranko Krivokapić, leader of Social Democratic Party leader for harassing priests of SPC. Ivan Brajović, Minister of Interior Affairs publicly announced after this that "the new proceeding against Velibor Džomić was initiated".

X Protection of personal data

Protection of personal data still has not reached the satisfying level. However, this topic is more and more present at the public, which is encouraging. Agency for the protection of personal data and CA signed the Memorandum on cooperation and mutual support in implementation of projects in this area.

Laws – Proposal for Law on amendments of Law on protection of data on personality is under Parliamentary procedure. Agency for the protection of personal data delivered on 24 April 2012 Proposal for amendments of Law on Criminal Procedure Code (ZKP) to Ministry of justice and human rights. The Agency proposed the following: amendment of Law on criminal proceeding in manner which implies that for the collection of data from the telecommunication traffic has to be provided court order; that ZKP prescribes that all data provided by operator, and

are related to telecommunication traffic, have to be canceled after termination of the procedure prescribed by ZKP. It was proposed that the manner of canceling should be provided according to the same treatment related to the material obtained by measures of secret surveillance (MTN); that ZKP prescribes that even when the collection of data of telecommunications traffic comes in issue, the police is obliged to deliver a report to the prosecutor and the prosecutor to the court on collected material; that ZKP provides that when it comes to collecting data from telecommunications traffic, as with MTN, a judge for the investigation, besides the command that defines this measure shall issue a special order, which states only the phone number of person on whom collects data on telecommunications traffic. Such an order the police subsequently submit to the legal entity that is dealing with providing services in telecommunications. The Agency has proposed the amendment of the Code in part related to taking DNA samples by police. The Agency stated that starting from the fact that in terms of the Law on protection of personal data, DNA represents data of a special category, whose processing requires special protection measures, amendment of ZKP in part of competencies for taking DNA should be taken into consideration. Article 257 of CPC, in Item 2 prescribes that the police has the authority to take DNA sample for analysis. The sample for DNA analysis should be taken only as a saliva sample, because this is the least invasive action. This provision (Article 257, paragraph 2) is to some extent in conflict with the provision of Article 277, paragraph 2, and this should be interpreted in the manner that the police, only at the request or with the approval of the State Prosecutor, can take a saliva sample for DNA analysis, if necessary for the purposes of criminal procedure.

Public registers – The procedure of publishing public registers of students and pupils at universities and schools was problematized in June. Representatives of students believe that publishing of public registers they fight against corruption because in such a manner they receive guarantees there was no adjustments for enrollment. The representative of office of the Commissariat for Information of Slovenia, Klement Misic told CA researcher on 31 May 2012 that by publishing these rankings lists violates legislation on personal data protection.

Electronic register of NGOs – In March 2012, CA Veselin Vučković, Deputy Minister of Internal Affairs, with a request for the Ministry to consider the proposal on enlargement of electronic register of NGOs, which is published at the website of the Ministry, in the part of search options and according to persons. Deputy Minister Vučković responded CA that for the introduction of the option for searching the register of NGOs by persons had no legal basis. Vučković said that the Law on protection of personal data stipulates that personal data may be processed only if legal basis exists for this, and accordingly the mentioned Law, searching is processing of personal data. Vučković also said he had consultations with persons responsible for monitoring the regulations from the area of protection of personal data. CA addressed the Agency for protection of personal data on 3 April 2012, for an opinion. The Agency sent opinion to CA on 17 April 2012 stating that provision of search by persons (names and last names) in electronic database of NGOs was not inconsistent with the provisions of the Law on protection

of personal data. Afterwards, CA again addressed on 19 April 2012 the Ministry of Interior Affairs with the Initiative to provide opportunities for the search by persons in the Register of non-governmental organizations. Until the publication of the report we have not received a response on the Initiative.

Publication of results of blood tests – Police Directorate often publishes the results of blood tests of participants in the traffic accidents or incidents of violation public peace and order. On 8 June 2011, CA addressed to the Agency for protection of personal data with the request for protection of rights, because the Police Directorate published information on the results of blood analysis of Slavko Perović, after the incident in Herceg Novi, where he suffered serious injuries. Police reported that after blood tests of Perović, analysis showed the presence of 1.55% alcohol. Until the publication of the report, the Agency has not informed CA on acting on the request.

Verdicts – On 21 June 2012, CA addressed the Agency for protection of personal data for an opinion whether the rights from the area of protection of personal data are violated if from the courts are required a final judgments by which state officials were convicted for violating human rights. CA requested from the Basic Court in Kotor judgment by the number and name of the convicted police officers and information whether the judgment was final. Basic Court of Kotor rejected access to all requested information, and in explanation the court said that it made such decision according to Article 9 of the Law on free access to information and the General legal position of the Supreme court of Montenegro. The Court did not take into account the public interest provided by the Law on free access to information, not even the Article the court called on. The court did not measure what was important, whether if public know whether the police officer who still works at the police was convicted for human rights violations or the interest of the police officers that such information stays unrevealed. Principal legal position which the court called upon defines that the access to information shall not be allowed when certain decision is required. Principal position gave the solution and did not leave the possibility of considering each individual case. Other courts in Montenegro allowed access to information, when CA requested the same one. We have not received the answers until the publication of the report.

The case of "Surgery" – At the beginning of June, 'Pobjeda' published several articles on the video of a surgery of removing the vibrator from the body a man. The video was available via mobile phones. Aleksa Ivanović from the Agency for protection of personal data publicly reacted and condemned endangering of privacy of patients. According to statements, identity of the patient was known in public. Ivanović said that the information came from the special category of personal data, for which special protection system is prescribed. Ministry of health ordered an investigation. The Ministry announced that the investigation found that the Code of Ethics was not violated, not was the Law on privacy and the right of patients. However, disciplinary proceedings were initiated against six employees, because as stated by the Ministry, "they were taking video at the surgery room, regardless of the surgery room and opposite to the standpoints of science and practice." The Ministry announced that disciplinary measures were

imposed employees for committed minor violations while performing duties, 10% of monthly earnings fines, for two months period.

XI Discrimination

In this quarter, CA registered reported cases of discrimination of disability persons, discrimination on national basis, discrimination of Roma population, sexual minorities and workers.

a. Discrimination of disability persons (OSI)

Disability persons still belong to the most discriminate group in the society. Competent public institutions do not make enough efforts to change such situation. Marina Vujačić, representative of NGO Association of Youth with Disabilities stated at the Council for the care on persons with disabilities, on 4 June 2012, that representatives of the NGO would require at the Council from the competent institutions to intense activities related to architectonic accessibility of public institutions in the following period. Another request of members of the Council coming from NGO sector would be that the Fund for professional rehabilitation and employment of persons with disabilities become independent institution. In the current work, finances from the Fund mostly were not spent for the needs of persons with disabilities. Vujačić said that she herself delivered the request for the equipment of job position and financing of income but the finances have not been paid to her yet with the excuse there was no money although more than one million EUR is paid in the Fund each year. In June 2012, Vujačić invited Suad Numanović, Minister of Labor and Social Welfare to make an appointment of the constitutive session of the Council for the care of persons with disabilities.

Goran Macanović from the Organization of blind persons for Nikšić, Savnik and Pluzine told for daily "DAN" on 18 April 2012 that accessibility of facilities in public use in municipality Nikšić was at the minimal level.

Case of Duško Rakočević – Duško Rakočević from Mojkovac, publicly stated, on 25 April 2012, that he had been disappointed with the reaction of Suad Numanovic, Minister of Labour and Social Welfare, as informing him that he is not eligible for disability compensation fee. Rakocevic suffers from difficult kind of cerebral paralysis. He stated that he had been compelled to start a hunger strike, as he could not sustain a normal life with 33 EUR monthly subsidies he receives from Employment bureau.

Case of Danijela Vušurović – Danijela Vušurović filed discrimination based law suit against Municipality Niksic, pending her last year injury on the stairways in front of the municipal building, which she were using with her wheel chair, since municipal building did not have appropriate access ramp. Trial was scheduled for 6. April, but Danijela Vusurovic did not take part, as Niksic municipality still did not build access ramp for people with disabilities. She stated that law suit entail claim for compensation in the amount of 10.000 EUR.

b. Discrimination of Roma, Egyptians and Ashkalia

Facing the International Roma Day, session of Committee for gender equality took place on 6 April. During the session, Roma representative Fana Delija stated that position of Roma population had been improved in regards to the previous decade, as noted in the increased activism efforts to improve current position and increase social rights. Roma and Egyptian women are subjected to most brutal violations of human rights, such as forced marriages and trafficking of girls, with every second RAE woman being exposed to everyday domestic violence. It has been concluded that further action must be taken in order to aid the Roman women, as they suffer double discrimination – as members of minority group, but also on the basis of their gender. On the occasion of 8. April, International Roma Day, a play „Wedding“ was given in Nikšić, Podgorica and Herceg Novi. Play was supported by the Fund for Minorities and Ministry for human and minority rights. Play was prepared by Sokolj Beganaj, adviser at Ministry for human and minority rights. Beganaj said that tradition hampers the life improvements in Roma community, and he wanted to illustrate that with this play. MP and member of Parliamentary Board for human rights and freedoms, Koča Pavlović, on the occasion of International Roma Day, stated that a considerable funds have been spent to improve the Roma status, but results are missing and situation even deteriorated. Isen Gasi, president of Roma National Council, said Roma are most endangered social category in Montenegro.

Attack on Fana Delija, activist of NGO Centre for Roma initiatives – Municipal body imposed penal sanctions in Nikšić, fined Bojan Krušić with 400 EUR and Refat Zverotić with 300 EUR because of the attack on Fana Delija, from NGO Centre for Roma initiatives. Delija told to CA researcher, that she suffered injuries after receiving physical strike from Bojana Krušića. Incident took place on 23. May 2012. Godine, around 19h, in Budo Tomović suburban Nikšić.

c. Discrimination on national basis

Members of minority nations are still not adequately represented in state institutions, whereas during this quarter Government still did not initiate and significant activities and measures to change that situation. Montenegrins are still over-represented, while other nations are under-represented. Predrag Pajovic, vice president of Municipal board of New Serb Democracy in Danilovgrad, on 18 April stated that number of Serbs, employed in municipal administration is 8 out of 120 employees. According to recent Monstat data, in Danilovgrad there are 5,001 Serbs out of total 18,472 inhabitants. Pajovic added that Serbs are also discriminated on [political grounds.

Branislav Vešović, president of Serbian Cultural Center „Župan Prvoslav“, on 13 May said that members of Serbian nationality in Berane and Montenegro are being discriminated in every aspects of life and it assumes quite concerning proportions. Vešović said that this primarily reflects through political affiliation based employment, where persons of Serbian nationality are being deprived of right to work.

d. Discrimination of LGBT community

Zdravko Cimbalević, director of NGO LGBT Forum Progress, announced the Gay Pride Parade for June 2013. This NGO submitted to the Government the request for establishment of organizational Committee. Pride Parade was previously planned for 31 May 2011, but organizers stopped preparations claiming that authorities did not provide adequate political support. Week after the Ombudsman provided support to Pride Parade, unknown individuals put to fire the rainbow colored flag, which has been raised in front of the Ombudsman's office as a token of support to LGBT community. NGO LGBT Forum Progress condemned this act, and police begun investigation.

During the discussion on seminar "Role of professional media reporting in protection of human rights of LGBT persons", organized by NGO Juventas, it had been said that 770 articles on sexual minorities had been published in 2011, which is three times more than in 2010. It had been also said that 5% of these articles were negatively intoned.

Vučje incident—According to media reports from 23 May, bicycle race on Vučje, Nikšić, ended with verbal and physical conflict between Zoran Cimbalević, BC „Nikbajk“ and Branko Cerović, BC „Perun“. Quarrel between Cimbalević and Cerović led to the physical conflict and it has all been motivated with repossession of gold medal that had been previously awarded to „Nikbajk“ cyclist Danilo Janjušević. Once the quarrel calmed down, Cimbalević said that Cerović, organizer and director of BC „Perun“, told him he would not have any more business with "Gypsies and fags". BK „Nikbajk“ previously cooperated on projects with NGO Roma Scholarship Foundation and their representative Cimbalević is the brother of Zdravko Cimbalević, first publicly exposed homosexual in Montenegro.

During the commemoration campaign for 17 May, International Day against homophobia and transfobia, NGO Juventas taped an incident with group of young individuals tear down the campaign posters and swears their activists. NGO Juventas reported this case to the police and submitted the tapes, which allowed for clear identification of Uglješa Boljević, member of Student's Union. NGO LGBT Forum Progress on 5 June requested from leader of Student's Union to apologize and declare their clear stance in regards to the respect of human rights of sexual minorities in Montenegro. Ivan Bulić, Secretary General of Student's Union, although considering that Union should not be linked with this incident, made an apology

In June, NGO Juventas presented their survey, conducted in 32 schools during November 2011. Results pointed out that 46% high school students deems homosexuality as a disease, with same percentage of respondents believing that homosexuals have no right to their sexual orientation.

Case of Cimbalević against Professor Radonjić – Dijana Radulović, judge at Basic court in Podgorica withdrew claim for protection against discrimination, which has been motioned against university professor Slobodan Radonjić. Claim was withdrawn, as the claimant, Zdravko Cimbalević, executive director of NGO LGBT Forum Progress, came late to the session. According to Cimbalević, he was late for 2 minutes. He was advised to lodge new suit, but he added that it would not be possible, since anti-discrimination legislation prescribes that such suits could be lodged only within the time frame of 90 days after the act of discrimination – and 10 months already passed after the incident in question. Cimbalević told media that state did not

protect him from Radonjić, who, according to Cimbalević: “brought audience with him to make me look funny and humiliate me, by forcing me to take into hands the copies of old textbooks, that previously were used in Montenegro and referred to homosexuality as a sickness”. Cimbalević concluded that court authorities, with such attitudes, additionally worsened the status of LGBT person in Montenegro.

e. Discrimination of workers

Case of workers of „Šuplja stijena“ mine – Fourteen workers of Pljevlja mine „Šuplja stijena“ were fired after petitioning for the increased salaries to the owner Veselin Pejović. Workers claimed that Pejović forbid them from further work in mine although their contracts would not expire for 3 more months. Workers pointed out their salaries ranged from 300 to 350 EUR, and that they have been replaced by the new workers.

Case of Šabotić – Ifeta Šabotić publicly said on 30 May that she was fired for being pregnant. She worked in bakery „Maroš“ in Podgorica. Šabotić said she had been insisting for a while with the owner to settle her regular workers' health and social insurance, which he did not do.

Case of Vujović – Momir Vujović, working in „Panto market“ company, on 13 June publicly spoke about discrimination and mobbing he faced in his work, and endangered health condition due to the difficult work assignments. Although employed as a salesman, he soon after received orders from supervisor to work on unloading the trucks, brushing the floors in storing facilities... Vujović mentioned that this led to health problems and surgical intervention, which he had covered on his own expense. He said that his bosses had been telling him that he could have been easily replaced in case he would refuse or simply fail in fulfilling these assignments. Vujović said he lodged a complaint to Labor Inspection and to Vesna Simović, Assistant Minister of Labor and Social Welfare, but they told him, according to Vujović, that they could not help him.

Case of Cetinje – Seventeen workers of public community services enterprise of Cetinje requested resignation of Sasa Zvicer, their acting director, accusing him of mobbing. Workers stated they received threats from director, because of organizing the gathering. They also said he had been assigning them with difficult tasks with unrealistic deadlines, or giving them tasks near to the close of business, thus prolonging their working hours. Zvicer responded to media, saying the 17 out of 70 workers signed petition for his resignation, due to the re-assignments to another posts, which was motivated with surpluses of employees in some organizational sections. He added that petition came as a reaction of initiated disciplinary procedures against certain employees for breaches of professional commitments.

XII Children's rights

Children's rights are still not satisfactory. UNICEF Office in Montenegro presented on 20 April 2012, a study on child poverty in Montenegro. Research showed that one in ten children in Montenegro is poor and that most of them are up to five years old, and nearly three out of four poor children live in remote rural area without basic services. Foundation for Scholarship of Roma stated on 12 June 2012 that the country did not make sufficient efforts to prevent begging.

The round table "Implementation of Ethical Codes of journalists in informing about cases of sexual violence over children", which took place on 18 June 2012, the Deputy Ombudsman Nevenka Stanković said that in the period from 2008 to 2011, in Montenegro were reported 68 cases of sexual harassment of children and 54 charges being filed, and it was about children aged between 10 and 16.

At the round table on 24 April 2012, organized on the occasion of the International number for missing and exploited children (116 000), it was announced that although the number exists in Agency for Telecommunications since 2009, it is not active in Montenegro. Ljiljana Raičević, Executive Director of NGO Sigurna zenska kuca said that this NGO had been interested for two years of being the bearer of this project in Montenegro. The European Commission gave the number as the special number for missing and exploited children.

According to data reported by MONSTAT, 240 charges were filed last year against juveniles, on suspicion of committing criminal offenses. Out of this number, 154 juveniles were convicted, which is 13% less than in the 2010.

Case B.M. - Basic Court in Podgorica sentenced B.M. (73) from Podgorica to three years imprisonment for raping a thirteen year old girl and illegal possession of weapons and explosives. As stated in the judgment, B.M. repeatedly raped thirteen year old girl from 2010.

Children in the media – Even in this quarter, the media continued to publish data that might discover the identity of children who were in conflict with the law. Article 22 of Law on media stipulates that the media has to protect the integrity and may not reveal the identity of minors involved in criminal acts, either as victims or defendants, except in cases when the identity of a minor who is convicted for criminal offenses may be published if there is a justified public interest to be informed. Article 43 of the same law says that media shall be fined from one to six thousand EUR if it violates Article 22. On 5 April 2012, CA requested from Ministry of Culture information on the number of sanctions imposed so far to the media for violation of Article 22 of the Law on media and which institutions is responsible for prosecution of the media in terms of this Law and Article 43. Ministry of Culture delivered to CA answers from the Council for misdemeanors stating that in the previous period had not been submitted any request for criminal proceedings and therefore not any sanction was imposed on that basis. Also, the Council for misdemeanors stated that the Law did not specified the institution responsible for prosecuting misdemeanor of the media in terms of Law on media. CA registered two cases in which media revealed the identity of or information on which identity of the children might be determined.

The case of Bijelo Polje - In incident that was reported by the professor of history from Bijelo Polje on 25 April 2012, daily newspaper DAN published the initials of a student whom the professor accused for threatening her to correct marks while holding a gun.

Slučaj Cetinje – Daily 'Vijesti' published on 7 June 2012, in section "News" information that the police arrested Zeljko Perisic due to the suspicion he had beaten up a minor M.M. (16) from Cetinje. The article mentioned full name of a father of M.M.

XIII Status of displaced and internally displaced persons

Status of displaced and internally displaced persons is still resolving slowly. Duško Marković, Vice President of the Government and Minister of Justice and Human Rights said on 21 June 2012 that Montenegro is the country with the largest number of refugees per capita; 3.156 displaced from Bosnia and Herzegovina and Croatia, and 8.611 from Croatia. Ivan Brajovic, Minister of Interior Affairs said on 25 June 2012 that 3.335 displaced persons submitted applications for permanent residence, out of which 2.288 was positively resolved, and two applications were denied; 4.428 internally displaced persons have applied, 2.570 received permanent residence, while 23 were rejected and 333 displaced and internally displaced filed applications for temporary residence, out of which 91 received that status. When it comes to voluntary return, according to the data of the Bureau for Refugees there are currently 319 interested persons or 60 families, out of which 220 persons or 41 families reside Camp in Konik. So far, 723 displaced persons received the citizenship of Montenegro, 147 guarantees were issued to displaced persons to acquire Montenegrin citizenship if they bring release from the citizenship of the country whose citizenship they possess. In the solution procedure are 302 requests.

The second report of the Coordinating Board on monitoring of measures from the Integrated Action Plan stated that it met five times until now. The report stated that in order to eliminate eventual shortcomings of pre-registration of internally displaced persons, which was conducted in 2009; in September 2011 was established the Commission for determining the number of internally displaced persons who were rejected on pre-registration in 2009, who still need the protection, in order to regulate the status of foreigner with permanent residence. The criteria which will be guided the Commission and on which basis would be approved or rejected preregistration of applicants, would be defined. In cooperation with representatives of UNHCR and Ministry of Interior Affairs (MUP), the Commission received requests until the end of 2011, after which it started analyzing all individual cases. Thus, on 10 June 2012, requests for 329 persons were taken into consideration, out of which 221 application was approved for pre-registration, 85 persons were rejected, 14 applications were suspended, and nine persons are in the procedure of resolving.

Brita Haleland, Head of the UNHCR office, said on 21 June 2012 on the Day of refugees that 15% of Roma from Konik were not entered in the register of births, and added that without this they could not apply for the status of foreigner. Alberto Kamarata, representative of Delegation of the European Union in Montenegro said on the same day that the project worth three million EUR, would start in autumn, which would imply social integration in the form of social, health and educational measures.

Besides these forms of integration of displaced and internally displaced persons, in the frame of regional program for permanent solution of problems of displaced and internally displaced persons, housing problems are resolving as well. On 24 April 2012, the Donor conference for the regional housing program took place in Sarajevo. In addition to the four partner countries, Montenegro, Serbia, Bosnia and Herzegovina and Croatia, the conference attended senior representatives of the international community, partners in the regional process -

UNHCR, the European Commission, OSCE, the Bank for Development of the Council of Europe (CEB) and the U.S. Government. The conference presented the Regional housing program whose total value was nearly 584 million EUR, out of which presumed contribution of partner countries is almost 84 million EUR. Out of the total claimed 500 million EUR, for implementation of the program, through direct contributions was collected to 260.505.000 million EUR, at the Donor conference.

Before the Donor conference, specific departments were responsible for implementation of commitments for implementation of obligations from the regional initiatives. Ministry of Labor and Social Welfare and the Bureau for Refugees was responsible for the preparation of the National Housing Program for the most vulnerable refugees and displaced persons and defining the programs at the country level, the number of future users, values of the project, preparation and the plan for implementation. Through the National housing program for Montenegro, it is envisaged provision of funds for resolving housing problems for 6.063 people (1.177 households) which are the most vulnerable categories (persons located in informal collective centers and vulnerable people in private accommodation, with special reference to the Camp in Konik). Through the mentioned program are planned: construction of 907 housing units; delivery of the construction materials for 120 housing units, construction of 60 prefabricated houses, 90 accommodation units in the Home for elderly, in Pljevlja. Total value of the project is 27.696 million EUR, out of which the contribution of the country would be 15% or 4.154 million EUR. Time frame for implementation of projects is a four-year period, 2012-2015.

XIV Economic and social rights

According to data from MONSTAT, average income in Montenegro in May was 487 EUR, but the minimal consumer basket for the four member family was 789 EUR. MONSTAT said that the value of minimal consumer basket was the sum of expenditures for food and other current expenditures which includes bought products, personal production, and gifts for the average household which is composed of four members out of whom two are adults and two children. Employment Bureau of Montenegro announced there were 29.443 unemployed persons out of whom 13.577 were women, on 25 June 2012. The level of material subsidies for family for five or more members families is almost 120 EUR. Children allowances are 19.5 EUR. Personal disability compensation is 108 EUR. Compensation to foster families for children in family accommodation is 240 EUR.

In this quarter, Union of free trade unions, Student union and NGO MANS organized protests of citizens as the result of difficult social and economic situation. The Initiative requiring annulling of the Law on taxes and the Decision and Methodology of accounts of electricity was delivered to Administrative court. The Initiative supported more than 30.000 people.

Housing

Ivan Dulovic - Ivan Dulović from Bijelo Polje, with three family members of whom two were children, live in the old house in poor condition, which his parents received from the school

as teachers. However, three years ago, the school informed Dulovic that they had to move out from the house. The country and authorities have not provided any temporary apartment. Via the show "Robin Hood", CA put the pressure on the Ministry of Education to provide alternative solution for the four member family to receive an alternative housing. The Ministry of Education promised CA they would find an alternative solution, however it did not happen until the publication of the report.

Representatives of NGO, "Park Suma Zagoric" - Representatives of NGO, "Park Suma Zagoric" /Forest Park Zagorič/, requested from CA to be involved in solving of their problems. The problem with the land in Zagorič occurred when the land on which they built the house was returned to former owners who now require compensation from the people who built on their land. Homeowners said they did not know they were building on private land. They thought that the land was owned by the Government. Attitudes of the Capital city convinced them in that when the Mayor, at the time of elections, as citizens said, promised them legalization of the disputed land.

Safet Arslani - Six-member family of Safet Arslani from Berane has been living for years on the edge of existence. They live in a strange house, specifically in two rooms without water facility. The boss, who provided them accommodation, told that the family had to move out when he returns from abroad. Although the municipality Berane promised assistance to this family, Safet said that assistance had not arrived to their address yet. Heavier than the poverty, for Safet was the fact that his daughter had very bad eyesight and had difficulties at walking, so she needed everyday help from home to school and from school to home. Therefore, her parents are unable to work because someone always has to be with children, with whom they will, when the boss soon returns home from abroad, stay under the open sky.

Former employees at the company "Radnik" from Bijelo Polje in April protested and demanded compensation and severance pay for each year of service, from 500 to 800 EUR, connecting of years of labor service and receiving action.

Disabled workers - In April protested disabled workers in Bijelo Polje. They required more favorable position for exercising right to obtaining the old age pension, and that conditions for this are 55 years of age for men and 50 years for women, and 15 years of labor service. They also require that the level of pension comes to the average level to those who retired last year, then required also the right to subsidy on electricity, transport and treatment.

Workers of the company "Monter kod" from Pljevlja were on strike in this quarter due to unpaid eight incomes and meal benefits. After that, workers were paid two salaries. They told the media that the owner of the company, Ljubisa Ćurčić announced he would not extend the contracts of employment because they were on strike.

Former workers of the company "Autoprevozno" from Nikšić were on hunger strike in June. Requirements of former workers were payment of 250 EUR per year of labor service. The government gave strong guarantees that the workers demands would be met until 29 June 2012.

Dairy workers "Krisma-milk" from Bijelo Polje were on strike in this quarter. Workers demanded the payment of the debt according to the employment from 2007 until November 2011.

Workers at the Hotel "Otrant" and AD "Plavsko jezero" /the Lake in Plav/ were on strike in this quarter because of unpaid salaries.

Representatives of the trade union organization Professional Service of the Association of Trade Union filed a criminal charge against the management of the trade union, because, as they said, of abuse of public authority and mobbing workers were facing.

Television IN – Almost 40 workers at TV IN rejected to work on 27 June 2012, due to unpaid salaries. Workers filed lawsuit for unpaid salaries. For that reason, 25 were suspended and four workers were fired.

Jugopetrol - Former employees at Jugopetrol addressed CA in this quarter, claiming that their employer paid them minimal incomes and contributions, while permanent employees were paid twice more for the same job. After the workers sued employers and won the trial, they were paid wages for three years while for the remaining four to five years they did not receive any compensation. Then, according to workers, the employer introduces COMO system that gives pumps for rent and at the same conditions lease-holders to comply with their rules, or incomes to stay at the current level. As workers said, the whole judicial process was followed by blackmailing and bribery committed by “Hellenic”, and after the verdict some workers who sued Jugopetrol were dismissed.

XV Conclusions and recommendations

- Level of respect and protection of human rights was not at satisfying level in the second quarter 2012. Competent institutions still do not provide urgent, independent and efficient investigations and often happens that citizens give up or lose motifs for initiated proceedings, while public servants stay unpunished or receive minimal sanctions. Some institutions such as Ministry for minority rights still have not fulfilled capacities although in some of them have been employed less than 50% of presumed positions. Areas in which respect an protection of human rights are still at the concerning level are inadequate process of dealing with the past, torture, freedom of expression, associating and gathering, discrimination of minorities, rights of children, status of displaced and internally displaced persons, and economic and social rights and freedoms.
- Passive attitude of competent public institutions towards the process of Dealing with the past still is present. Although two decades passed since some war crimes, final judgments have not been rendered against responsible ones. Matters related to political and ordering responsibility have not been initiated in this quarter. It is important that competent public institutions, Prosecution Office especially, initiate procedures of defining who ordered and mongered on war crimes, in order to define full responsibility and reveal all facts on victims and committers of crimes.
- In the second quarter of 2012, CA registered five cases with statements of citizens and were related to some form of violation, torture or inhuman treatment of police officers. In three cases, statements were related to physical torture, one case was related to failure of officers to act in the case of physical endanger of a citizen and one on homophobic

acting. According to CA, one criminal charge was filed to the Prosecution Office and all cases were reported to the police. In this quarter, one police officer was acquitted of charges for the attempt of murder while the slow processing of reported cases to the competent institutions is in course. Especially concerns slow processing of case Šoškić. Police Directorate should suspend all officers against whom were initiated criminal proceedings due to violations of human rights until the termination of the procedure, and dismiss officers who were accused.

- Although in this quarter, the number of convicted persons in ZIKS was smaller than in the previous period, overcrowded capacities still remain major problem. Acting of Management of ZIKS in case of registered exceeding of powers of officers is encouraging, however, it is important to involve the Prosecution Office that would investigate eventual responsibility and sanction officers in ZIKS. Prosecution Office should conduct fast, efficient, and effective investigations in all cases for violations, whether they were formally reported or not.
- In the second quarter 2012, politically motivated violence was emphasized and was reflected through incidents, threats, hate speech, and lower level of communication between politicians. Competent public institutions slowly and inadequately process responsible ones while in the previous period they did not identify all committers and order issuing authorities for these crimes. CA noticed that some courts protected police officers who violated human rights and participated in politically motivated incidents, pronouncing them suspended sentences for committed criminal offenses. The Government has not continued with signing the contract with religious communities in this quarter. The Government did not examine previously signed contracts, and especially parts which may cause serious limitations in respect of human rights.
- The institute of free legal aid functions with serious difficulties. Citizens have not been sufficiently informed about the existence of free legal aid and the procedures are still very slow. The practice by which citizens appear at the court without a lawyer, although they applied at time for free legal aid, continued in this quarter. Although lawyers' tariffs are very high, on which CA constantly indicates, not any activities on their correction and harmonization with social and economic situation have been initiated.
- Freedom of expression, and the right to peaceful gathering and associating are still at the concerning level and the conditions for free and independent work of journalists and media have not been created yet. In this quarter, CA registered threats, incidents, and inadequate relationship of competent institutions. Even in this period, right to peaceful gathering was prohibited to workers who gathered because of unpaid salaries and other debts of employers. Not even in this quarter, Constitutional court has not acted upon the Initiative for the assessment of constitutionality of Law on public gatherings, which is not in accordance with the Constitution and international standards and which presumes that peaceful gatherings may be prohibited.

- In this quarter, CA registered cases of violation of rights to protection of personal data and cases of violation of this right in exercising other rights. Rights of patients to privacy were violated in this quarter and the police published results of analysis of blood of citizens. Analysis of almost 30 laws that were not in accordance with standards on protection of personal data, was done. CA invites competent ones to fasten the process of amendments and therefore contribute to protection of personal data of a better quality. As citizens and employees at the public sector have not been introduced with their rights from this area, it is important for the Agency to continue with activities on education of citizens.
- Protection from discrimination still is not at satisfying level. Even in this period, representatives of minority population, persons with disabilities, LGBT persons, and workers were mostly discriminated. National representation in public institutions and bodies still is inadequate, and competent institutions have not initiated activities and measures to change the situation. Roma population is especially endangered in this matter. It is appraisal that the Fund for minorities presumed for 2012 financing of intercultural projects, which was not the case until nowadays.
- There were no significant activities on adapting the access of public institutions for persons with disabilities, in this quarter. Therefore, persons with disabilities still cannot access to all public premises and institutions of existential importance. It is important that all public institutions urgently construct the access and be accessible for persons with disabilities, and that competent institutions impose sanctions for violation of legislatives in this area.
- Although the progress has been made in the area of rights of LGBT persons, participants of this community sustain high level of discrimination. Incident often occurs and competent institutions do not conduct urgent and efficient investigations and procedures that would lead to efficient sanctioning of others. Conditions for public expression of identity of LGBT persons have not been created yet.
- Economic and social rights were at concerning level in the second quarter 2012. Significant number of citizens is endangered in social and economic sense because they were not able to pay expenses for living. Workers protested in this quarter by hunger strike and in other manners and due to unpaid salaries, severances, failure to connect years of labor services, and lack of respect of collective contracts. Competent public institutions have not been efficient to provide the respect of workers by employers and to sanction each form of discrimination and violation of workers' rights. It is important that the Government urgently strengthen capacities of competent public institutions in protection of social and economic rights.