



ÖSTERREICHISCHES ROTES KREUZ

ACCORD

Austrian Centre for Country of Origin
& Asylum Research and Documentation

Wiedner Hauptstraße 32, A-1041 Wien

Tel.: +43 (1) 589 00-581, Fax: +43 (1) 589 00-589

ZVR-Zahl 432857691

E-mail: accord@roteskreuz.at, Home: accord.roteskreuz.at

Datenbank: www.ecoi.net

An, z. Hd.: **UNHCR, Herrn Dr. Christoph Pinter**
Fax / E-Mail: **pinter@unhcr.at**
Von: **Mag.^a Ruth Altenhofer, DW 587**
Unsere Zahl: **a-6746**
Ihre Zahl: **-**
Datum: **4. Mai 2009**
Betreff: **Ihre Anfrage vom 29. April 2009**

Montenegro: Überblick, besonders im Hinblick auf staatliche Verfolgung, staatlichen Schutz vor privater Verfolgung, Rechtsschutz gegen erlittene Menschenrechtsverletzungen

Sehr geehrter Herr Dr. Pinter,

nach einer Recherche in unserer Länderdokumentation und im Internet können wir Ihnen zu oben genannter Fragestellung Materialien zur Verfügung stellen, die unter anderem folgende Informationen enthalten:

Allgemeines

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Montenegro, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119095.htm>

„The government generally respected the human rights of its citizens; however, numerous problems persisted, including police mistreatment of suspects in detention, substandard prison conditions, abusive and arbitrary arrests, police impunity, lengthy pretrial detention, delayed and inefficient trials, widespread perception of corruption in law enforcement agencies and the judiciary, harassment of journalists, discrimination against the large number of internally displaced persons (IDPs), discrimination against women, trafficking in persons, and discrimination against ethnic minorities, particularly Roma. [...]

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. [...]

The government cooperated with the UN, the COE's Directorate General of Human Rights, and other intergovernmental organizations.

There is an ombudsman for human rights. The office of the ombudsman operated without government or party interference, and the government provided the office with adequate resources. Upon finding a violation of human rights or freedoms, the ombudsman could initiate disciplinary procedures against the violator, including dismissal. Failure to comply with the ombudsman's request for access to official data, documents, or premises, or with the ombudsman's request to testify at a hearing, is punishable by fines of 10-20 times the minimum monthly wage, or 550- 1,100 euros (approximately \$770- \$1,540). During 2007 the ombudsman received 448 complaints, in addition to 199 from 2006. Most complaints concerned the work of the courts, followed by the public administration, prosecutor's offices, public services, local governments, and the police. The government and the courts generally implemented the ombudsman's recommendations.

On October 22, the Assembly adopted a law on the Constitutional Court, which provides that citizens can appeal their violations of human rights to the Constitutional Court." (USDOS, 25. Februar 2009, Sec. 4)

- EC – Europäische Kommission: Montenegro 2008 Progress Report [SEC(2008) 2696], 5. November 2008 (veröffentlicht auf ecoi.net)
https://www.ecoi.net/file_upload/1227_1229348579_montenegro.pdf

„2.2. Human rights and the protection of minorities

Observance of international human rights law

Regarding the ratification of human rights instruments, Montenegro is a signatory or a party to most of the Council of Europe conventions, including the European Convention on Human Rights (ECHR). Montenegro has not yet ratified the Council of Europe Convention on the avoidance of statelessness in relation to State succession.

Montenegro appointed a judge to the European Court of Human Rights in April 2008, which means it is now possible to handle cases which had been suspended following Montenegro's independence. Appointment of the government agent representing Montenegro before the European Court of Human Rights failed due to lack of candidates.

Regarding promotion and enforcement of human rights, direct implementation of international human rights standards in Montenegro is restricted to application in cases of conflict with domestic legislation. The constitution does not include an explicit provision that ratified international human rights treaties should be applied in compliance with the practice of international bodies in charge of their interpretation. The Venice Commission

has recommended that the Law on implementation of the constitution should be clarified to guarantee retroactive application of the ECHR and should be brought to the attention of the courts and the public.

The Constitutional Court will be competent for appeals on violations of human rights and liberties following adoption of the Law on the Constitutional Court in July 2008. The election of all Constitutional Court judges by parliament on a proposal by the President, as provided for in the constitution, is not in line with the recommendations of the Venice Commission.

The right to appeal on the basis of provisions of the European Convention on Human Rights concerning violations occurring prior to Montenegro's independence needs further clarification.

Overall, Montenegro has made some progress in improving observance of international human rights law. However, further efforts are necessary to improve judicial enforcement." (EC, 5. November 2008)

Rechtsstaatlichkeit

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008

<http://www.amnesty.de/jahresbericht/2008/montenegro>

„Anhängige Kriegsverbrechen und mutmaßliche staatliche Morde wurden in Montenegro nicht aufgeklärt. Vorwürfen der Folter oder anderer Misshandlungen wurde nicht unverzüglich, unparteiisch und wirksam nachgegangen. [...]

Folterungen, Misshandlungen und unfaire Prozesse

Berichten zufolge gab es weiterhin Fälle von Folterungen und Misshandlungen, auch während Festnahmen und in der Haft. So dokumentierte die Jugendinitiative für Menschenrechte allein im Zeitraum von September bis Oktober etwa 23 Fälle. Opfer wurden oft wegen Behinderung von Polizeibeamten angeklagt, während gegen Letztere selten Klage erhoben wurde.

Im März gab das Innenministerium bekannt, dass polizeiinterne Ermittlungen wegen Vorwürfen der Folter und anderer Misshandlungen an 17 ethnischen Albanern bei deren Festnahme und während der folgenden Haft in der Polizeistation von Podgorica im September 2006 ergebnislos verlaufen waren. Nachdem sieben der Männer Strafanzeige gestellt hatten, eröffnete der Staatsanwalt im Juni ein Strafverfahren. Dem Vernehmen nach soll im November gegen vier Polizeibeamte ermittelt worden sein.

Die gegen die 17 Männer anhängigen Verfahren, die am 14. Mai vom Bezirksgericht von Podgorica eröffnet worden waren, entsprachen nicht internationalen Standards. Unter anderem wurden Geständnisse als Beweismittel herangezogen, die nach Ansicht von Amnesty International unter Zwang erpresst worden waren." (AI, 28. Mai 2008)

- EC – Europäische Kommission: Montenegro 2008 Progress Report [SEC(2008) 2696], 5. November 2008 (veröffentlicht auf ecoi.net)
https://www.ecoi.net/file_upload/1227_1229348579_montenegro.pdf

„Civil and political rights

Little progress has been made on prevention of torture and ill-treatment and the fight against impunity. Montenegro is party to the Council of Europe Convention for the prevention of torture and its constitution prohibits torture and inhuman or degrading treatment. However, there are continuous allegations of torture and ill-treatment during arrest and detention. Material conditions in police detention facilities remain unsatisfactory. Internal investigations and criminal proceedings against police officers for the extortion of evidence and for ill-treatment and torture are rare. Verdicts are reached in a small number of reported cases and are often followed only by administrative warnings, suspended sentences or fines.

In 2007 the ombudsman received a higher number of complaints about police ill-treatment. The disciplinary procedure for misuse of office and exceeding official powers referred to in the Law on civil servants and public employees needs to be fully respected. The authorities need to strengthen internal control mechanisms. International standards and judicial practice for combating torture need to be considered by the courts.

As regards access to justice, a Law on the protection of the right to trial within a reasonable time was adopted. Free legal aid remains limited. The considerable backlog of court cases remains an issue of concern. [...]

Overall, there has been some progress in improving prison and detention facilities, but further efforts, including legislative action, are necessary to address the situation adequately.“ (EC, 5. November 2008)

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Montenegro, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119095.htm>

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

The constitution and law prohibit such practices; however, police at times beat and harassed suspects who were being arrested or were detained for questioning. [...]

Prisons, especially facilities for pretrial detainees, were dilapidated, overcrowded, and poorly maintained. There were some improvements during the year: detention units in several police stations (Podgorica, Budva, Bar, Herceg Novi, Niksic, Bijelo Polje, Berane, and Pljevlja) were renovated and equipped with air conditioning and video surveillance. [...]

The government permitted human rights observers, including the International Committee of the Red Cross (ICRC) and local NGOs, to visit the prisons and detention units to speak with the prisoners without the presence of a guard. Both the ICRC and the Helsinki Committee of Montenegro made repeat visits during the year. Representatives of the human rights ombudsman's office routinely visited prisons without prior notice, meeting with detainees and inmates. [...]

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. There were no public reports that police arrested and interrogated human rights activists. [...]

According to the COE's Commissioner for Human Rights, who visited the country in June, 'criminal proceedings against law enforcement officers for extortion of evidence, ill treatment, torture, or abuse of office happen relatively seldom and are not conducted efficiently. Verdicts are reached in a small number of reported cases only to be followed by admonitions, suspended sentences, and fines.' During the first nine months of the year, four officers were dismissed and 20 fined for abuse of office and exceeding authority.

Police corruption and inappropriate governmental influence on police behavior remained problems; the small, close knit society discouraged the reporting of corruption and facilitated criminals' access to law enforcement officers. The Interior Ministry's Internal Affairs Unit took disciplinary measures to address those problems.

The government, with the help of foreign governments and the OSCE, provided training for police, security, and customs officers.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, some observers charged that the judiciary was not always independent and that government officials at times influenced prosecutors for political and personal reasons. There were reports that some judges had inappropriate ties to business leaders or issued tainted decisions out of fear of reprisals, including the loss of their jobs. Some observers contended that executive and parliamentary branches, through the process of proposing and adopting the budget for the courts, could influence the independence of the judiciary. [...]

Insufficient cooperation between police and prosecutors, a large backlog of cases, frequently primitive courtroom facilities, and judicial corruption also remained problems. Cases could take years to be resolved. [...]

Although the government at times influenced the judiciary, defendants' rights were generally respected and extended to all citizens. [...]

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. The law requires the National Security Agency (NSA) to obtain court authorization for a wiretap; however, some observers believed that authorities selectively used wiretapping and surveillance against opposition parties and other groups without court authorization. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance. [...]

Unlike in previous years, there were no reports of evictions of Roma from illegal settlements." (USDOS, 25. Februar 2009, Sec. 1 c-f)

„Government Corruption and Transparency

The law provides criminal penalties for corruption by officials. However, the government did not consistently implement the provisions, and there was a widespread perception of public sector corruption, particularly in the executive and judicial branches. [...]

As in previous years there were reports of authorities hesitating to act in response to allegations of corruption. There were widespread allegations of corruption during the privatization of state assets. Observers noted that a lack of transparency prevented citizens from judging the validity of those allegations. The government stated that it received 83 requests for information about privatization activities, including 82 from one NGO (MANS), and that it had responded to all of them." (USDOS, 25. Februar 2009, Sec. 3)

Medienfreiheit

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008

<http://www.amnesty.de/jahresbericht/2008/montenegro>

„Mutmaßliche staatliche Morde und politisch motivierte Überfälle

Noch nicht entschieden wurde über die Rechtsmittel, die gegen den im Dezember 2007 erlassenen Freispruch für den einzigen Verdächtigen des im Mai 2004 begangenen Mordes an Duško Jovanović, Herausgeber der Tageszeitung Dan, eingelegt wurden. Im Fall des im Oktober 2006 verübten Mordes an Srdjan Vojičić, Fahrer des Romanautors Jevrem Brković, wird noch ermittelt. Während des Berichtsjahres kam es zu weiteren Überfällen auf regierungskritische Journalisten." (AI, 28. Mai 2008)

- EC – Europäische Kommission: Montenegro 2008 Progress Report [SEC(2008) 2696], 5. November 2008 (veröffentlicht auf ecoi.net)

https://www.ecoi.net/file_upload/1227_1229348579_montenegro.pdf

„Freedom of expression continues to be a cause for concern. Cases of physical assaults and defamation against journalists continue to be a cause for concern. A journalist of the daily newspaper *Republika* was assaulted in November 2007 and a photographer from the same newspaper in June 2008. In May 2008 a journalist writing an article on

organised crime involved in betting on sport was heavily beaten. The director of the daily *Vijesti* was also assaulted. Investigations in such cases need to be thorough. The number of defamation cases against journalists and NGO activists is rising. The Law on free access to public information is still being implemented with mixed results." (EC, 5. November 2008)

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Montenegro, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119095.htm>

„a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, there were some restrictions of freedom of the press in practice.

Individuals could criticize the government publicly or privately without reprisal, and there were no reports that the authorities monitored political meetings or otherwise attempted to impede criticism. [...]

Officials occasionally threatened to bring, or brought, libel suits against media organizations that accused them of wrongdoing. Some NGOs warned that criminal libel charges against journalists could deter them from reporting candidly on events. Criminal libel charges can carry fines of up to 14,000 euros (approximately \$19,600)." (USDOS, 25. Februar 2009, Sec. 2a)

Ethnische Minderheiten

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008
<http://www.amnesty.de/jahresbericht/2008/montenegro>

„Die im Oktober neu verabschiedete Verfassung stand nicht voll mit den Bestimmungen der Europäischen Konvention zum Schutze der Menschenrechte (EMRK) im Einklang, stellte die Unabhängigkeit der Justiz nicht sicher und gewährte Minderheiten keinen angemessenen Schutz vor Diskriminierung. [...]

Rechte von Minderheiten

Im Juni erschien Montenegro auf dem neunten (und damit letzten) Platz in einer Studie über die Fortschritte der Mitgliedstaaten bei der Erfüllung der in der Roma-Dekade 2005 bis 2015 vereinbarten Vorgaben. Der Roma-Bevölkerung wurde das Recht auf Bildung nicht zugestanden, und der geschätzte Anteil von Analphabeten in dieser Gruppe lag bei etwa 87 Prozent." (AI, 28. Mai 2008)

- EC – Europäische Kommission: Montenegro 2008 Progress Report [SEC(2008) 2696], 5. November 2008 (veröffentlicht auf ecoi.net)
https://www.ecoi.net/file_upload/1227_1229348579_montenegro.pdf

„Minority rights, cultural rights and protection of minorities

Montenegro has made progress on protection of national minorities. Inter-ethnic relations are smooth. The constitution includes a **minority rights** chapter reflecting the principles of the Council of Europe Framework Convention on national minorities. The constitution guarantees special rights of identity protection and prohibition of assimilation “to minority nations and other minority, national and ethnic communities”. The government has adopted a minority policy strategy and a national Roma strategy. National minority councils have been established and a fund for minorities (0.15% of the total current budget or approximately €1 million) was approved by parliament. [...]

As regards **Roma**, the government adopted a strategy for improving the status of the Roma, Ashkali and Egyptian population in November 2007. The authorities have set aside €400,000 of the 2008 annual budget for its implementation. Under the Law on freedoms and rights of minorities, a Roma Council was set up in April 2008. The Roma strategy amends the previous Decade Action Plan, which was not efficiently implemented because of insufficient institutional capacity and scarce financial resources. Significant progress has been made in creating conditions for the participation of Roma in active employment policy, such as registration of Roma in employment bureaus or specific tax relief for employers. The new Roma strategy also intends to improve the institutional framework in the area of healthcare protection and housing.

However, the lack of reliable data on the Roma, Ashkali and Egyptian population has a negative effect on the exercise of certain rights, including use of funds from the State Minority Fund and awareness of the political significance of this minority in general. Despite the above-mentioned measures, Roma continue to face difficult living conditions and discrimination, with poor access to education, social protection and healthcare. Most of them live in extreme poverty and substandard housing conditions. Due to widespread discrimination, opportunities for employment of Roma are still minimal and unemployment among Roma remains over 80%.

Illiteracy rates are reported to be 63%, and even higher among women. The specific needs of Roma refugees from Kosovo have yet to be addressed. No monitoring mechanism exists for implementation of the action plan adopted in 2005. Implementing legislation is necessary to establish implementation and monitoring capacity, domestic ownership and adequate and sustainable funding.

Overall, there has been progress on strengthening the framework for minority protection. However, implementation is still lagging behind in some fields, in particular regarding the Roma, Ashkali and Egyptian population. The conditions of IDPs and displaced persons remain a cause for serious concern.” (EC, 5. November 2008)

- MRGI - Minority Rights Group International: Pushing for Change? South East Europe's Minorities in the EU Progress Reports, Juli 2008
<http://www.minorityrights.org/download.php?id=523>

„The EU has found that overall, ‘there has been progress on establishing the necessary framework on minority protection. However, implementation is lagging behind in some fields. The conditions of refugees and displaced persons, including Roma, are giving cause for serious concern.’ [...]

The overall employment rate in Montenegro is below the EU average. Unemployment is structural and long term. Women’s participation in the labour market is very low.¹⁴⁵ Unemployment among Roma is high at 82 per cent.

Nonetheless, despite the difficulties of minorities, women, and other vulnerable groups in the labour market, the EU has concluded that both the legislation *and practice* (authors’ emphasis) in the field of social rights remains largely in line with the revised European Social Charter. The EU has fallen short, however, in assessing the actual implementation of economic and social rights in its section dedicated to these rights. The ‘Minority Rights’ sections of the EU Reports acknowledge that minorities are particularly vulnerable to poverty and unemployment. Due attention is paid to some groups, such as the Roma and displaced persons from Croatia, Bosnia and Herzegovina and Kosovo, still lacking full access to employment, health insurance, social welfare and property rights. [...]

Education

The EU Reports pay a lot of attention to the plight of the Roma people in Montenegro, including in the area of education. In terms of the right to accessible education, the 2007 EU Report states, ‘Roma continue to face difficult living conditions and discrimination, especially in education, healthcare, social protection and employment. Under a third of all Roma children attend primary school, and only about 20% complete primary education.’¹⁵² The EU has also found very problematic the social condition of refugees and internally displaced persons (IDPs), including in the context of education. [...]

The marginalized position of minority girls, and particularly Roma girls in education has not been given attention. This is despite international concerns, including on the part of the UNDP and UNICEF, in this respect.

As to the state duty to provide teacher training and textbooks in order to promote minority rights in education, MRG partners find a number of weaknesses. For example, they stated that the translation of school textbooks into Albanian was of very low quality and this makes them inappropriate as teaching tools. They also reported that there was no adequate and sufficient training for minority teachers. None of the above issues was covered by the EU in its Reports on Montenegro.” (MRGI, Juli 2008, S. 26-28)

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Montenegro, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119095.htm>

„A large number of persons lacked any documentation establishing their nationality and thus were at risk of statelessness. According to Amnesty International (AI), the situation of Roma who entered the country as refugees from Kosovo was of particular concern. AI cited UNHCR figures from June indicating that approximately 4,300 refugees of Roma, Ashkali, and Balkan Egyptian ethnicity lived in the country, caught in a legal limbo in which they did not have Montenegrin citizenship and faced difficulties in acquiring citizenship documents from Serbia. [...]

Public opinion polls conducted by the local NGO Legal Center of Podgorica, a local partner of the UNHCR, indicated that 46 percent of the 2,168 Roma surveyed in Podgorica experienced problems accessing personal documentation, including birth certificates. [...]

National/Racial/Ethnic Minorities

The constitution provides for both individual and collective rights for minorities, and generally these were observed in practice; however, Roma were disadvantaged in access to social services and experienced societal discrimination. Ethnic Albanian and Muslim leaders complained about their underrepresentation in government structures. Serbian leaders complained of discrimination and a lack of economic opportunities.

According to a survey conducted in October by the National Statistics Office, the Roma National Council, and the local NGO Roma Circle, there were 10,619 Roma in the country. Many Roma, including IDPs from Kosovo, lived illegally in squatter settlements that lacked such basic services as public utilities, medical care, and sewage facilities. They often lacked identity documents and therefore access to basic social services. Residents of some settlements that were located on property whose owners wanted to resume control, or on the premises of companies due to be privatized, risked eviction; however, no evictions were reported during the year.

Prejudice against Roma, who comprised 0.42 percent of the population, was widespread, and local authorities often ignored or tacitly condoned their intimidation or mistreatment. According to a local NGO, 70-75 percent of Roma were illiterate, 50 percent did not speak the predominant local language, 90 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.

Authorities appropriated approximately 400,000 euros (approximately \$560,000) to improve conditions for Roma under the "Strategy for Improvement of the Roma Position in Montenegro 2008-12." The government also appointed a national coordinator for implementation of the strategy; however, the coordinator lacked basic facilities and was relatively unsuccessful in accomplishing the goals set by the strategy. Overall, government efforts did not result in significant improvements during the year.

The government provided students with an optional civic education class that included information on minority cultures and multiethnic tolerance.

In October 2007, after many delays, the government approved a procedure for setting up national councils, elected bodies that would represent minorities' group interests. All minorities subsequently established national councils. In October 2008 the government provided funding for administrative costs of the councils and allocated resources to enable the councils to implement various projects.

The Bosniak Council and the Bosniak political party demanded that the admission examination for the police academy in Danilovgrad, which only one out of 30 Bosniak/Muslim candidates passed, be abolished because it failed to produce the constitutionally mandated quotas for minorities. Police responded that the admission procedures were in accordance with the law, adding that quotas did not justify having unqualified candidates. Using his discretionary authority, the Interior Minister subsequently enrolled five Bosniak/Muslim students in the academy.

In September the government announced a plan to invest 4.5 million euros (approximately \$6.3 million) in housing and infrastructure in that region. This plan was intended to facilitate the return of persons, primarily Bosniaks and Muslims, who fled the repressive actions of the JNA in Bukovica in 1992 95." (USDOS, 25. Februar 2009, Sec. 5)

Menschenhandel

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008

<http://www.amnesty.de/jahresbericht/2008/montenegro>

„Menschenhandel

Der Europarat rief zu erhöhten Anstrengungen in der Bereitstellung von Unterstützung und Schutz für Opfer von Menschenhandel auf und verwies auf die Konvention des Europarats gegen Menschenhandel, die Montenegro zwar unterzeichnet, aber nicht ratifiziert hat." (AI, 28. Mai 2008)

- EC – Europäische Kommission: Montenegro 2008 Progress Report [SEC(2008) 2696], 5. November 2008 (veröffentlicht auf ecoi.net)

https://www.ecoi.net/file_upload/1227_1229348579_montenegro.pdf

„Overall, organised crime remains a matter of serious concern in Montenegro.

There has been little progress in the fight against **trafficking of human beings**. Although, as a general trend, the number of persons trafficked through South Eastern Europe is decreasing, Montenegro remains a transit country for trafficking of women from Serbia, Kosovo, Bosnia and Herzegovina, Romania, Ukraine and Russia into Western Europe for commercial sexual exploitation.

The Council of Europe Convention on trafficking of human beings has been ratified in July 2008 and will enter into force on 1 November 2008. Facilities are in place to support and protect victims of trafficking. The national coordinator for the fight against trafficking has been active in regional cooperation and has continued to conduct awareness raising and training activities, including on identifying potential problems and providing assistance to victims. However, investigations of cases concerning trafficking in human beings remain rare. In 2006 only one single case of trafficking of human beings was investigated, and in 2007 just two.

Montenegro should build up further its capacity to identify victims proactively among vulnerable groups, to provide legal alternatives to removing victims to countries where they face hardship, to encourage victims to assist in the investigation and prosecution of trafficking offenders and to conduct trafficking-sensitivity training for the judiciary. Overall, Montenegro is moderately advanced in fighting trafficking in human beings." (EC, 5. November 2008, S. 48)

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Montenegro, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119095.htm>

„Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked through, within, and to a lesser extent to, the country.

Montenegro was primarily a country of transit, and to a lesser extent, a destination, for trafficked persons, mostly women who came from Eastern Europe, the Balkans, and the former USSR. Most victims were trafficked for commercial sexual and labor exploitation. Western Europe was the primary destination of victims trafficked through the country. [...]

The maximum sentence for trafficking in persons is 10 years. The prosecution of all crimes, including trafficking, is plagued by significant delays.

The three traffickers sentenced in 2007 to five years in prison, the Matovic family, remained free pending an appeals process. [...]

There were no reports of official involvement in trafficking during the year. The IOM stated that it regarded officials' lack of training as a more serious problem than corruption in impeding their efforts to counter trafficking." (USDOS, 25. Februar 2009, Sec. 5)

Gewalt gegen Frauen

- EC – Europäische Kommission: Montenegro 2008 Progress Report [SEC(2008) 2696], 5. November 2008 (veröffentlicht auf ecoi.net)

https://www.ecoi.net/file_upload/1227_1229348579_montenegro.pdf

„Regarding the protection of **women's rights** relating to domestic violence and protection of victims, the situation has not improved, despite the fact that the problem is widespread. Domestic violence remains a cause for concern, with every second woman experiencing verbal abuse and every third being exposed to physical violence. The number of cases reported to the police is small, but increased by 7.3% in 2008. There are discrepancies between the number of cases of family violence reported and the number of convictions. The new Law on protection from violence in the family still has not been adopted. There is no financial support to organisations providing services to victims, or to the victims themselves. The institutional response to protection of victims of violence is unsatisfactory and centres for social care still lack professionalism towards victims.

Sexual harassment, unlike domestic violence, is not specifically punished by law. Victims are hesitant to report harassment and there is no public discussion on the issue, allowing the offenders to get away unpunished.

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Montenegro, 25. Februar 2009

<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119095.htm>

„Rape, including spousal rape, is illegal; however, enforcement remained a serious problem. Instances of rape were significantly underreported due to the cultural stigma that attaches to victims and even their families. There were no arrests or convictions for spousal rape during the year. Deeply ingrained societal attitudes hampered prosecutions; judges frequently allowed aspersions on a victim's character to be entered into court proceedings. As a result, victims were reluctant to report rape. [...]

The NGO SOS, which operated a hot line for the victims of domestic violence, reported that the number of calls significantly increased between July 2007 and July; most calls involved young girls who suffered violence in their relationships, problems with employers, and parental violence. The press reported that during the first nine months of the year, police pressed charges against 366 persons for domestic violence. According to police, 480 cases were reported in 2007, 7.7 percent more than in 2006. The perpetrators were mainly men (95 percent) and the victims mainly women (70.5 percent). In 2007, 25 criminal cases of sexual molestation were reported. Domestic violence was significantly underreported. Financial dependence, multifamily living arrangements, and the lack of support from extended family discouraged victims from reporting abuses.

During the year official agencies, including the police, and to some extent the judiciary, improved their response to domestic violence; however, efforts remained inadequate. According to the NGO Safe Women's House, many female victims of domestic violence complained about the slow response of social welfare centers to their appeals for help. [...]

NGOs operated two shelters for victims of domestic violence.

[...] Trafficking in women for sexual exploitation was a problem.

Sexual harassment was a problem, and public awareness of sexual harassment remained low. Although prohibited by a new labor law adopted on August 23, harassment was tolerated by society at large. Although victims were hesitant to report harassment, police were usually effective in intervening when asked to do so." (USDOS, 25. Februar 2009, Sec. 5)

Kinder, Behinderte, Sexuelle Minderheiten

- EC – Europäische Kommission: Montenegro 2008 Progress Report [SEC(2008) 2696], 5. November 2008 (veröffentlicht auf ecoi.net)
https://www.ecoi.net/file_upload/1227_1229348579_montenegro.pdf

Concerning **children's rights**, the government adopted a strategy for social and child protection for 2008-2012 in November 2007. However, capacity to monitor the rights of the child remains weak. Official statistics and analyses of poverty and social inclusion data are still inadequate. The Council for Children's Rights needs to become fully operational as the highest inter-ministerial coordinating body for promotion and protection of children's rights. Institutionalisation, in some instances even together with adults, is still the dominant care system for children deprived of parental care and children with disabilities. The government needs to give priority to alternative, community-based family forms of care. Social inclusion of Roma children and of children with disabilities remains particularly problematic. The scale of poverty combined with the lack of personal documents and civil registration and the unresolved legal status of Roma, Ashkali and Egyptian refugees hamper access to social welfare services and integration. The low level of enrolment in pre-schools of less than 30% nationally, and as low as 3% for Roma children, is a cause for concern, both nationally and for minority groups.

Concerning **socially vulnerable and/or persons with disabilities**, the government adopted a strategy for the integration of persons with disabilities for 2008-2016 and a strategy for the development of social protection for the elderly for 2008-2012. Measures, including relief mechanisms, have been introduced to promote employment of persons with disabilities. Montenegro has yet to ratify the UN Convention on the rights of persons with disabilities and its optional protocol. A Law on professional rehabilitation and employment of disabled people was passed in July 2008, but the draft law on protection of persons with disabilities from discrimination has yet to be adopted. [...]

In the area of **anti-discrimination policies**, adoption of the draft law on prohibition of discrimination is pending. Lesbian, gay, bisexual and transgender (LGBT) people are marginalised and discriminated against in Montenegrin society due to homophobic attitudes and lack of legal and practical protection by the authorities. In addition to increasing legislative efforts, comprehensive anti-discrimination measures covering sexual orientation and gender identity are needed. [...]

Diese Informationen beruhen auf einer zeitlich begrenzten Recherche in öffentlich zugänglichen Dokumenten, die ACCORD derzeit zur Verfügung stehen. Diese Antwort stellt keine Meinung zum Inhalt eines bestimmten Ansuchens um Asyl oder anderen internationalen Schutz dar. Wir empfehlen, die verwendeten Materialien zur Gänze durchzusehen.

Quellen: (Zugriff auf alle Quellen am 4. Mai 2009)

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008
<http://www.amnesty.de/jahresbericht/2008/montenegro>
- EC – Europäische Kommission: Montenegro 2008 Progress Report [SEC(2008) 2696], 5. November 2008 (veröffentlicht auf ecoi.net)
https://www.ecoi.net/file_upload/1227_1229348579_montenegro.pdf
- MRGI – Minority Rights Group International: Pushing for Change? South East Europe's Minorities in the EU Progress Reports, Juli 2008
<http://www.minorityrights.org/download.php?id=523>
- USDOS – US Department of State: Country Reports on Human Rights Practices 2008 – Montenegro, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119095.htm>

Wir hoffen, dass wir Ihnen behilflich sein konnten, und stehen für weitere Nachfragen gerne zur Verfügung.

Mit freundlichen Grüßen



Mag. Ruth Altenhofer