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# Montenegro

## ***Constitution, article 43***

Any incitement or encouragement of national, racial, religious and other inequality and incitement and fomenting of national, racial, religious and other hatred or intolerance shall be unconstitutional and punishable.

## ***Criminal Code, Article 161 - Infringement of freedom of confession of religion and performance of religious rites***

- 1) Anyone who prevents or restricts freedom of confession or performance of religion, shall be sentenced to a fine or imprisonment not exceeding two years.
- 2) Sentenced to the punishment referred to in Paragraph 1 of this Article shall also be anyone who prevents or disturbs performance of religious rites.
- 3) Anyone who coerces others to declare their religious beliefs shall be sentenced to a fine or imprisonment not exceeding one year.

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4) A person acting in an official capacity who commits the act referred to in Paragraphs 1 to 3 of this Article shall be sentenced to imprisonment not exceeding three years.

***Criminal Code, article 370 - Causing national, race and religious hatred, divisions and intolerance***

Anyone who causes and spreads national, religious or race hatred, divisions or intolerance among people, national minorities or ethnic groups living in Montenegro, shall be punished by imprisonment for a term of six months to five years.

If an act as of Paragraph 1 of this Article is done by coercion, maltreatment, endangering of safety, exposure to mockery of national, ethnic or religious symbols, by damaging other person's goods, by desecration of monuments, memorial-tablets or tombs, the offender shall be punished by imprisonment for a term of one to eight years.

Anyone who commits an act referred to in Paragraphs 1 and 2 of this Article by abusing his/her position or authorities or if as the result of these acts riots, violence or other severe consequences for the joint life of people, national minorities or ethnic groups living in Montenegro occur, shall be punished for an act as of Paragraph 1 of this Article by an imprisonment sentence for a term of one to eight years, and for an act as of Paragraph 2 by imprisonment of two to ten years

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# Case Law

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# Montenegro

Constitutional Court: <http://www.ustavisudcg.co.me/aktuelnosti.htm>

USTAVNI SUD  
Crne Gore

aktuelnosti o sudu propisi praksa dnevni red kontakti linkovi

Uputstvo za popunjavanje obrasca ustavne žalbe  
Obrazac ustavne žalbe

**Aktuelnosti**

08.12.2010. godine  
Delegacija Ustavnog suda Republike Srbije boravila u službenoj posjeti Crnoj Gori

Predsjednica Ustavnog suda Republike Srbije dr Bosa Nenadić, sudije -

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Tel. +382 20 665 410  
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Email: [ustavni.sud@ustavisud.me](mailto:ustavni.sud@ustavisud.me)

Supreme Court (database):

<http://www.vrhsudcg.gov.me/Odlukeibiltenisuda/OdlukeVrhovnogstada/tabid/80/Default.aspx>

VRHOVNI SUD CRNE GORE

POČETNA STRANA O VRHOVNOM SUDU SUDSKA PRAKSA AKTUELNOSTI IZVEŠTAJI I PUBLIKACIJE PROPISI

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**Krivični predmeti**  
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Tredostepeni krivični predmeti 2010-1  
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Tužbeni zahtjevi - 2009.g.

**Upravni predmeti**  
Odluke donijete u 2009. godini  
Odluke donijete u 2010. godini - t/z

**Revizije**  
Odluke donijete u 2010. godini - I / II / III / IV / V / VI / VII  
Odluke donijete u 2009. godini - I / II

**Građanski predmeti**  
Zaštita zakonitosti - 2010.g.  
Građanski razni - 2010.g.

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