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Freedom House

Freedom in the World 2019 - Montenegro

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65 /100

Overview:

While numerous political parties compete for power in Montenegro, the opposition is fragmented, and the governing Democratic Party of Socialists (DPS) has been in power since 1991. Corruption is a serious issue. Investigative journalists and journalists critical of the government face pressure.

Key Developments:

Key Developments in 2018:

- In April, Milo Đukanović of the DPS was elected president, cementing his control over the government. Đukanović has held either the presidency or the post of prime minister for most of the last two decades.
- The trial of 14 people, including two opposition leaders, on charges of plotting an attempted coup in 2016, was ongoing at year's end.
- The June firing of Andrijana Kadija, director of the public broadcaster Radio and Television of Montenegro (RTCG), was condemned by rights organizations as an attempt by the DPS to reassert control over the entity after it displayed greater objectivity and independence in 2017.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 23 / 40 (-2)

A. ELECTORAL PROCESS: 8 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is chief of state and is directly elected for up to two five-year terms. In April 2018, Milo Đukanović of the DPS, who has served as either prime minister or president for most of the last two decades, was elected president with 53.9 percent of the vote. Independent candidate Mladen Bojanić finished second with 33.4 percent. Bojanić announced his candidacy just one month before the election, while Đukanović

began campaigning three weeks before polling. Đukanović refused to participate in public debates with the other candidates. While some irregularities such as misuse of public resources were reported, the Organization for Security and Co-operation in Europe (OSCE), which monitored the election, stated that the polling was generally credible and respected fundamental rights. However, the mission noted that Đukanović and the DPS enjoyed significant institutional advantages that reduced the competitiveness of the process.

The president nominates the prime minister, who requires legislative approval. Parliament confirmed Prime Minister Duško Marković of the DPS, an ally of Đukanović, in November 2016, following legislative elections.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Members of the unicameral, 81-seat Parliament—the Skupština—are directly elected for four-year terms.

Đukanović's DPS posted the strongest performance in the 2016 polls, taking 36 seats—5 seats short of a governing majority—and formed a coalition government with several smaller parties. The main opposition Democratic Front (DF) took 18 seats. Alleging electoral fraud, the opposition rejected the results and initiated a boycott of Parliament. However, the majority of opposition members had returned to Parliament by 2018, with the exception of the Democratic Montenegro (DCG) party and United Reform Action (URA).

While OSCE election monitors assessed the 2016 polls as credible, numerous violations were reported. The nongovernmental organization (NGO) MANS accused the government of trading tax or debt relief for votes, estimating that the DPS could have effectively bought as many as six legislative seats through such efforts. The government also suspended some mobile messaging applications on election day, citing "illegal marketing" on the platforms.

Additionally, on election day, authorities arrested 20 people on charges of plotting a coup that allegedly involved plans to assassinate Đukanović. Đukanović accused the DF of plotting the alleged coup, but offered no evidence for his claims; the DF in turn accused Đukanović of manufacturing the events as a means of securing support for the DPS in the elections, and decreasing turnout. A number of people, including two opposition leaders, were charged in connection with the alleged coup, and the trial of 14 suspects was ongoing at the end of 2018.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The conduct of elections in Montenegro is facilitated by a comprehensive legal and administrative framework. In October 2018, Parliament voted to form a committee, comprised of seven members from the ruling coalition and seven from the opposition, which is tasked with formulating new legislation to reform the electoral laws. The

committee was established to implement OSCE recommendations from the 2016 parliamentary elections and 2018 presidential election, as well as recommendations published by the European Commission in April. The OSCE recommendations from 2016 included harmonizing electoral legislation and permitting media access to meetings of the State Election Commission. Some opposition parties refused to participate in the reform process, which Đukanović said will lead to only minor changes, and demanded more comprehensive reform of the electoral framework.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Political parties are for the most part able to form and operate without direct interference. The new DCG gained eight seats in the 2016 elections, and according to polls its support is increasing. This party has worked to create strategic partnerships with government opponents in civil society, media, and the intelligentsia.

However, the DPS-led government has relentlessly worked to delegitimize political activity that deviates from its preferred policies, characterizing it as a threat to the state or public order. In November 2018, lawmaker Nebojša Medojević, one of the leaders of the DF, was arrested for refusing to testify in a corruption case, drawing widespread condemnation. Medojević spent two weeks in jail before the Constitutional Court ordered his release in December.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

The DPS has been in power since 1991, which provides it with significant structural advantages over opposition parties. Observers have noted that the line between DPS party structures and government institutions has blurred, further disadvantaging the opposition. While numerous political parties compete in elections, the opposition is fragmented and weak, and frequently boycotts political processes. The position of opposition parties weakened further in 2018, as they suffered defeats in both the April presidential election and May municipal elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4 (-1)

While voters are generally free to express their political choices, extensive patronage systems and widespread corruption encourage loyalty to the ruling party, which has been in power for nearly three decades. Many members of the ruling party have alleged ties to organized crime, further cementing the DPS's grip on power. Both public-sector employers, and private-sector employers with links to the state, pressure employees to vote for the ruling coalition. Marginalized populations, such as the Roma, have been mobilized by the DPS through vote-buying schemes.

Score Change: The score declined from 3 to 2 because President Đukanović and his party have used an extensive network of patronage and corruption, including alleged links to organized crime, to maintain power for nearly three decades.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All citizens have full political rights and electoral opportunities. Small political parties representing minority interests participate in the political sphere, and minorities are represented in larger parties, though the Romany minority is underrepresented. In the 2016 elections, voter materials were provided in the Albanian language, but not Romany.

Women are underrepresented in political leadership positions and politics generally. The government has taken steps to increase women's participation, including through gender quotas on electoral lists, though implementation is uneven. Draginja Vuksanović, the first female presidential candidate in Montenegrin history, won 8 percent of the vote in the 2018 poll.

C. FUNCTIONING OF GOVERNMENT: 6 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (-1)

Đukanović has wielded vast personalized power for decades, through his tenure as both prime minister and president, as well as during his time outside of government as chair of the DPS. He maintains extensive control over most public institutions. Although the constitution provides for a parliamentary system of government, Parliament passed a new law after Đukanović's April 2018 election that greatly expands presidential powers. The law allows the president to form councils, committees, and working groups. Critics claim that the changes could amount to a de facto move toward a semipresidential system of government.

Parliament remains weak and has limited capacity to exercise its oversight functions. The opposition boycott of Parliament further diminished the power of the legislative branch.

Score Change: The score declined from 3 to 2 due to President Đukanović's personalized concentration of power, and the passage of legislation that further expanded presidential powers at the expense of the parliamentary system of government provided for in the constitution.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption and cronyism remain widespread, though there have been modest efforts by authorities to address them, prompted in part by EU accession requirements. A new anticorruption agency began its work in 2016, but a European Commission report

published in April 2018 criticized the body for its ineffectiveness and noted the continued prevalence of high-level corruption, despite some recent improvements. Senior officials implicated in corruption schemes rarely face prosecution. Civil society and independent media provide some accountability by reporting on official corruption and its effects.

C3. Does the government operate with openness and transparency? 2 / 4

The government publishes some information online, but citizens have few opportunities for meaningful participation in public consultations on legislation. Budget plans are not widely available, nor is information on government contracts.

CIVIL LIBERTIES: 42 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16

D1. Are there free and independent media? 2 / 4

A variety of independent media operate in Montenegro, and media coverage tends to be partisan and combative. The government frequently denies opposition media outlets advertising contracts from publicly owned or controlled entities. Journalists self-censor to avoid threats, political pressure, costly defamation suits, or job loss. Reporters who cover corruption and organized crime risk violence. In May 2018, investigative journalist Olivera Lakić, who reports on crime and corruption among government elites, was shot in the leg outside her apartment. At year's end, the assailants had not yet been identified.

In June, Andrijana Kadija, the director of the public broadcaster RTCG, was fired for allegedly abusing her position and behaving unprofessionally. The move was condemned by rights organizations as an attempt by the DPS to reassert control over the broadcaster after it displayed greater objectivity and independence in 2017.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees freedom of religious belief. However, the canonically recognized Serbian Orthodox Church and a self-proclaimed Montenegrin Orthodox Church continue to clash over the ownership of church properties.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is guaranteed by law and generally upheld. However, in 2017, the rector of the University of Montenegro, who was appointed in 2014 and enacted a series of reforms, was removed by the new government. The events prompted speculation that the move was a reflection of clashes between personalities in the DPS.

D4. Are individuals free to express their personal views on political or other

sensitive topics without fear of surveillance or retribution? 3 / 4

People are generally free to engage in public discussions. The existence of extensive, DPS-linked patronage networks has fostered an environment where vocal opposition to the government or its policies is widely believed to jeopardize employment opportunities, both in the public and private sector.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12

E1. Is there freedom of assembly? 3 / 4

While citizens generally enjoy freedom of assembly, authorities in the past have attempted to limit protests organized by the DF, and violence at demonstrations erupts occasionally.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Although most NGOs operate without interference, those that investigate corruption or criticize the government face pressure. During his 2018 presidential campaign, Đukanović made a number of inflammatory statements directed at civil society, saying on a television appearance that some NGOs and members of the media are "unscrupulous fighters for power" willing to destroy the government in the pursuit of foreign donations. Civil society leaders condemned the remarks for creating a hostile environment for NGOs.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

There is freedom for trade unions, which remain relatively strong in the public sector. However, reports of intimidation of labor activists by employers continue.

F. RULE OF LAW: 10 / 16

F1. Is there an independent judiciary? 2 / 4

Efforts to bolster judicial independence continue, though the judiciary remains susceptible to pressure from the government, and judicial corruption remains a problem.

The trial of two DF members and several others on charges of plotting a 2016 coup, which was ongoing at year's end, has been denounced by the opposition as an attempt by the DPS to maintain its support base. The outcome of their cases will reflect the level of transparency, openness, and accountability in the judicial system.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Constitutional guarantees of due process are inconsistently upheld. Legal proceedings are lengthy and often highly bureaucratic, particularly when involving business dealings. Police frequently hold suspects in extended pretrial detention while completing investigations. Courts are poorly funded and often overburdened.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Violent crime is not a significant problem, although violence connected to organized crime has risen in recent years. Prison conditions do not meet international standards for education or health care, and prison guards reportedly abuse inmates regularly and with impunity.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Romany, Ashkali, Egyptians, LGBT (lesbian, gay, bisexual, and transgender) people, and other minority groups face discrimination. Women in Montenegro are legally entitled to equal pay for equal work, but patriarchal attitudes often limit their salary levels, as well as their educational opportunities.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The freedom of movement and the right of citizens to choose their residence, employment, and institution of higher education, are generally respected in practice. However, many jobs are awarded through patronage, limiting access for those without connections.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The state sector dominates much of Montenegro's economy, and related clientelism, as well as corruption, pose obstacles to normal business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Domestic violence remains a problem. In December 2018, the government passed a draft law that would legalize same-sex unions. Parliament will likely vote on the legislation in 2019.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Most workers employed in the private sector remain unprotected from exploitation and arbitrary decisions of their employers.

Trafficking in persons for the purposes of prostitution and forced labor remains a problem, although the government has increased its efforts to prosecute traffickers, according to the US State Department's 2018 *Trafficking in Persons Report*.

ecoi.net summary:

Annual report on political rights and civil liberties in 2018



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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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