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Freedom in the World 2013 - Montenegro

Overview:

The European Union opened accession negotiations with Montenegro in June 2012, noting improvements in the rule of law, among other areas, while urging further progress on anticorruption efforts and judicial reform. Lawmakers in July called early elections, and the ruling center-left coalition held on to power in polls that followed in October. Milo Đukanović, who had served as prime minister or president for most of the previous two decades, was elected prime minister in December.

Montenegro was first recognized as an independent state in 1878. In 1918, it joined the newly formed Kingdom of Serbs, Croats, and Slovenes, which after World War II became the Socialist Federal Republic of Yugoslavia. As that state collapsed in the early 1990s, Montenegro maintained its ties to Serbia in the truncated Federal Republic of Yugoslavia (FRY), dominated by Serbian leader Slobodan Milošević. In 1997, however, a group of former Milošević cohorts in Montenegro, led by Prime Minister Milo Đukanović, decided to break with Milošević and pursue Montenegrin independence.

Milošević's fall from power in 2000 did not improve relations between Montenegro and its larger federal partner. The republics signed an agreement in 2002 that loosened their bond, and the FRY became the State Union of Serbia and Montenegro in 2003. The deal allowed either republic to hold an independence referendum after three years, and Đukanović exercised that option in May 2006. Voters supported independence, which the parliament officially declared in July.

The September 2006 parliamentary elections confirmed voter support for Montenegro's ruling pro-independence coalition, comprising Đukanović's Democratic Party of Socialists (DPS) and the Social Democratic Party (SDP). Đukanović retired in October, but returned as prime minister in February 2008. In April, President Filip Vujanović of the DPS was elected to a second five-year term.

In January 2009, Vujanović called snap parliamentary elections, reportedly because of fears that the global economic crisis could erode voter support for the DPS-led coalition before the legislature's full term ended. The March polls saw the coalition win a comfortable majority of 48 seats in the 81-seat parliament.

Since gaining independence, Montenegro has sought to join NATO and the European Union (EU). In December 2010, the EU granted the country candidate status. A few days later, Đukanović resigned again, asserting that he had successfully guided the country toward European integration. However, there were indications that his continued tenure could have obstructed Montenegro's EU candidacy due to allegations that he had been involved in cigarette smuggling in the 1990s. Đukanović remained chairman of the DPS, and Finance Minister Igor Lukšić, also a DPS member, succeeded him as prime minister.

In September 2011, the parliament broke a four-year impasse to approve a landmark new election law that ensures the representation of minorities and improves technical voting issues. The law's passage had been delayed due to a controversy over the languages officially recognized in the country. In 2010, Montenegrin had become the official language of the state broadcaster, and a Montenegrin grammar text was introduced in schools. Critics countered that the government was promoting an artificial language derived from standard Serbian, and the opposition had vowed that it would not support the election law until the Serbian language was given equal status to Montenegrin in the education system. The law was passed after legislators agreed on a class to be taught in schools called "Montenegrin-Serbian, Bosnian, Croatian language and literature."

In October 2011, the European Commission (EC), noting continued reform efforts and the election law's passage, cleared Montenegro to begin EU accession negotiations. On June 26, 2012, the EU officially invited Montenegro to begin membership talks, praising strides on rule of law and fundamental rights, while calling for the country to continue implementing needed reforms regarding judicial independence and the ongoing fight against corruption.

In July, legislators voted to dissolve the parliament and call early elections so the government could begin the EU talks with a fresh mandate. President Vujanović scheduled the polls for October 14. The DPS-led coalition won with a simple majority of 46 percent, or 39 seats. The opposition Democratic Front took 20 seats, followed by the Socialist People's Party with 9, Positive Montenegro with 7, and the Bosniak Party with 3. The Croat Citizens' Initiative and two Albanian parties won 1 seat each. The DPS-led coalition took power with support from Albanian and Croatian minority parties, and Đukanović was elected to his seventh term as prime minister on December 4.

Political Rights and Civil Liberties:

Montenegro is an electoral democracy. International observers have deemed recent elections free and fair, despite some irregularities. Members of the unicameral, 81-seat Skupština (Assembly) are elected for four-year terms. Under a 2011 election law, parliamentary seats are awarded strictly on the basis of candidates' positions on electoral lists. The president, directly elected for up to two five-year terms, nominates the prime minister, who requires legislative approval.

Numerous political parties compete for power, though the opposition is weak, with the biggest player the Democratic Front, comprising the reform-minded Movement for Changes and New Serb Democracy. The current coalition government comprises the DPS, the SDP, and a handful of lawmakers from parties that represent Montenegro's ethnic minorities. Serbs, who comprise nearly 30 percent of the population, generally opposed independence prior to 2006 but have adjusted to the new reality.

Corruption remains a serious problem and is partly a legacy of the struggle against the Milošević regime in the 1990s, when the small republic turned to various forms of smuggling to finance government operations. Key legislative frameworks to improve transparency in party financing and public procurement, among other anticorruption efforts, are being implemented. After an amended law on conflicts of interest took force in March, every parliamentarian who held board or executive positions in state-owned companies resigned. However, enforcement of anticorruption measures is uneven, convictions in high-profile corruption cases are low, and interagency cooperation needs improvement, especially between prosecutors and police, according to the EC's 2012 progress report. From October 2011 to September 2012, 23 officials were charged with abuse of office and bribery, including the president. Montenegro was ranked 75 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Freedom of the press is generally respected, and a variety of independent media operate. In 2011, Montenegro decriminalized libel under European standards. However, journalists continue to face pressure and harassment. In April 2012, a broadcast journalist who had been convicted of libel before the legislative change was sentenced to four months in prison. Also in 2012, investigative journalist Olivera Lakić was attacked after reporting a series on corruption; her attacker was sentenced to nine months in prison. The public broadcaster is not fully independent. Internet access is unrestricted.

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 ownership of church properties and other issues.

Academic freedom is guaranteed by law, but political debates about the nature of Montenegrin identity and history have spilled over into the educational realm, as was the case when controversy over the Montenegrin language almost blocked the adoption of the 2011 election law.

Citizens enjoy freedoms of association and assembly. Nongovernmental organizations generally operate without state interference, and the EC noted improving cooperation between civil society and government institutions in 2012. Most formally employed workers belong to unions, and the right to strike is generally

protected. However, trade union members sometimes face discrimination, and dismissals of striking workers have been reported.

The EC cited progress on judicial reform in 2012. The new Judicial and Prosecutorial Councils were constituted in June and July, respectively, and independence and accountability continued to improve with the implementation of relevant legislative frameworks. In October, the EC noted that the case backlog was down 4 percent since 2010. However, the government has yet to institute a nationwide recruitment system for judges and prosecutors based on transparent criteria, and courts remain subject to political influence. Prison conditions do not meet international standards for education or health care.

Ethnic Albanians, who comprise 5 percent of the population, maintain that they are underrepresented in the civil service, particularly in the police and judiciary. Roma, Ashkali, Egyptians, members of the LGBT (lesbian, gay, bisexual, and transgender) communities, and other minority groups often face discrimination. The government adopted a strategy on inclusion of ethnic minorities in April 2012, but implementation is slow. As part of the Sarajevo Declaration Process, Montenegro continues to cooperate with Bosnia and Herzegovina, Croatia, and Serbia to reintegrate refugees from the conflicts in the former Yugoslavia.

Women in Montenegro are legally entitled to equal pay for equal work, but traditional patriarchal attitudes often limit their salary levels and educational opportunities. Women are underrepresented in government and business. New provisions requiring women to comprise 30 percent of candidate lists were implemented in the 2012 elections. Domestic violence remains problematic despite a 2011 government strategy against violence in the home. Trafficking in persons for the purposes of prostitution and forced labor remains a problem, although the government is preparing an antitrafficking strategy through 2018.

Explanatory Note:

The ratings through 2002 are for the Federal Republic of Yugoslavia, of which Montenegro was a part, and those from 2003 through 2005 are for the State Union of Serbia and Montenegro.

2013 Scores

Status

Free

Freedom Rating

2.5

Civil Liberties

2

Political Rights

3