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Freedom in the World 2009 - Montenegro

Capital: Podgorica
Population: 600,000

Political Rights Score: 3
Civil Liberties Score: 3
Status: Partly Free

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.

Overview

Presidential elections in April were deemed free and fair by international observers. Also that month, longtime Montenegrin leader Milo Djukanovic, who held either the presidency or the premiership from 1991 to 2006, again assumed the office of prime minister. Ethnic tensions increased in October after the government formally recognized the independence of neighboring Kosovo.

Montenegro was first recognized as an independent state in 1878. In 1918, Montenegrin legislators voted to join 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 in 1992 voted to maintain its ties to Serbia as part of the truncated Federal Republic of Yugoslavia, dominated by Serbian leader Slobodan Milosevic. In 1997, however, a group of former Milosevic cohorts in Montenegro, led by then prime minister Milo Djukanovic, decided to break with Milosevic and set Montenegro on a slow course toward independence.

Milosevic's ouster in 2000 did not improve relations between Montenegro and its larger federal partner. In 2002, under pressure from the European Union (EU), the two republics signed an agreement that loosened their bond, and in 2003, federal Yugoslavia was formally replaced by the State Union of Serbia and Montenegro. The large disparities between the two republics – Montenegro was only one-tenth the size of Serbia in population and accounted for a negligible part of the overall economy, but it enjoyed parity representation in most state institutions – seemed to doom the state union from the start.

Djukanovic, who had served as either president or prime minister since 1991, left the presidency to reclaim the premiership in 2002. Although Djukanovic's close ally Filip Vujanovic was selected to replace him as president, two elections in 2002 failed to achieve the required voter turnout. After the law was amended to eliminate the 50 percent turnout rule, Vujanovic was finally elected in 2003 with a 48 percent turnout.

The state union agreement allowed either Serbia or Montenegro to hold an independence referendum after three years, and Djukanovic chose to exercise this right in May 2006. Under the terms of an EU-brokered deal, the measure needed the support of 55 percent of participating voters to pass. It ultimately did so by a margin of some 2,000 votes, amid a heavy voter turnout of 86 percent. Religious and ethnic minorities tended to back independence, along with the portion of the Orthodox Christian population that considered itself Montenegrin rather than Serb. The results were received without violence, and the country formally declared independence in June. In parliamentary elections in September 2006, voters confirmed their support for the ruling proindependence coalition. Djukanovic retired from the premiership in October, but he returned to the office in April 2008. Some observers speculated that Djukanovic had tried but failed to maintain control over the country from behind the scenes. Also in April, Vujanovic won a second five-year term as president.

Independence and national identity remained divisive issues, and a 2007 investigation stoked suspicions of vote manipulation by Djukanovic's Democratic Party of Socialists (DPS). Several police officers reported being pressured by the DPS to solicit votes in favor of independence and for the government in the parliamentary elections. The government drew additional criticism from pro-Serbian factions in October 2008, when it officially recognized Kosovo's independence.

Montenegro has pursued membership in the EU and NATO. In 2006 it joined NATO's Partnership for Peace program, and in 2007, it signed a Stability and Association Agreement with the EU, considered the first step toward accession. Meanwhile, heavy Russian investment has generated major controversy within Montenegro. Some accounts suggest that as much as \$13 billion in Russian capital has entered the tiny country since the 1990s. Nevertheless, corruption, high levels of foreign debt, and large fiscal and current account deficits continue to hobble the economy.

Political Rights and Civil Liberties

Montenegro is an electoral democracy. International observers reported that the independence referendum, the 2006 parliamentary elections, and the 2008 presidential election were conducted freely and fairly, though with minor irregularities. Members of the unicameral, 81-seat Assembly (Skupstina) are elected for four-year terms. The president, directly elected for up to two five-year terms, nominates the prime minister, who must be approved by the legislature. The Assembly has been criticized for essentially rubber-stamping most of the government's decisions. From January to July 2008, it convened in plenary sessions on only 19 days, 15 of which were devoted to protocol obligations.

Numerous political parties compete for power, though the opposition remains relatively weak and divided. The long-ruling proindependence coalition consists of Milo Djukanovic's DPS and the Social Democratic Party (SDP), led by parliamentary speaker Ranko Krivokapic. The pair took a combined 41 seats in the 2006 elections. Two alliances of pro-Serbian parties captured a combined 23 seats, and a handful of additional seats went to parties catering to the ethnic Albanian and Bosniak (Muslim Slav) minorities. A former nongovernmental organization (NGO) called the Movement for Change (PzP) also plays a prominent role as a political party, having captured 11 seats.

Corruption in Montenegro, according to the EU, is "a widespread and particularly serious problem," although some progress in the fight against organized crime was reported in 2008. The corruption problem is partly a legacy of the struggle against the Milosevic regime in the 1990s, when the state turned to various forms of smuggling to finance government operations. Djukanovic has frequently been accused of involvement in

cigarette smuggling, and a number of Montenegrin officials and businesspeople have been indicted in Italy for their involvement in these activities. In October 2008, Djukanovic avoided indictment by an Italian court, allegedly because he enjoyed diplomatic immunity. The current law on conflict of interest is seen as having too many loopholes. Montenegro was ranked 85 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is generally respected, but journalists who criticize the government have been attacked on a number of occasions, and the 2004 assassination of a prominent opposition newspaper publisher has not been solved. In May 2008, a reporter investigating organized crime and sports betting was severely beaten. A law passed without public debate by the parliament in July transferred more authority over the allocation of broadcasting frequencies from an independent agency to a government-appointed body. For much of 2008, opposition parties boycotted parliament to demand more television coverage of parliamentary proceedings. Belgrade-based publications remain popular with many segments of the population. Criminal libel is not punishable by imprisonment, but the threat of fines forces journalists to engage in self-censorship. Access to the internet has not been restricted.

The constitution guarantees freedom of religious belief. The canonically recognized Serbian Orthodox Church and a self-proclaimed Montenegrin Orthodox Church have repeatedly clashed over ownership of church property and other issues. In September 2008, 65 people were arrested during a protest against the latter group. According to a November public opinion poll, the Serbian Orthodox Church is the most trusted institution in the country.

Although academic freedom is guaranteed by law, a group of professors in the city of Niksic were dismissed in 2005 for refusing to teach language courses named "mother tongue" in place of what had been called Serbian.

Citizens enjoy freedoms of association and assembly. Foreign and domestic NGOs are able to pursue their activities without state interference. A large number of Montenegro's workers – 95 percent of all employees in the formal economy – belong to unions, and the right of workers to strike is generally protected. Collective bargaining, however, is still considered to be at a rudimentary level. The country has strict protections against employee dismissal and generous worker benefits, but these are thought to limit efficiency and encourage informality in the economy. Labor organizations were involved in the drafting of the Labor Law adopted in July 2008.

The judicial system lacks independence from political authorities, and judicial corruption remains a significant problem. A 2008 EU progress report questioned the way in which the professional capacity and integrity of judges is determined. While officials have made some progress in reducing a large backlog in cases, there are still a large number pending, and trials generally take excessive amounts of time to complete. Despite efforts to improve prison conditions, most facilities are antiquated, overcrowded, and often unhygienic.

Ethnic minorities have their own political parties and associations, and media in their own languages. However, ethnic Albanians, who make up roughly 7 percent of the population, claim that they are underrepresented in the civil service, particularly in the police and the judiciary. They have also sought proportional representation in government and greater autonomy at the municipal level. Since the 2006 independence vote, Albanian and Muslim minorities have alleged that the government reneged on pre-referendum promises to provide them with various government and diplomatic posts.

Although women are legally entitled to equal pay for equal work, traditional patriarchal attitudes often limit women's roles in the economy. The gender gap in pay has widened in recent years to 19 percent. Although domestic violence is punishable by law, sexual harassment is not. In general, women are underrepresented in higher levels of government. Only 14.6 percent of the candidates in the 2006 parliamentary elections were women, and 9 of the 81 members of parliament are women. Police and

government officials have shown little interest in investigating cases of human trafficking, which remains a serious problem in Montenegro, as it is throughout the region. A total of just three cases were investigated in 2006 and 2007.

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