

UPDATES: THE INVASION OF UKRAINE



Montenegro

PARTLY FREE

67

/100

<u>Political Rights</u>	26 /40
<u>Civil Liberties</u>	41 /60

LAST YEAR'S SCORE & STATUS

63 /100

Partly Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



TOP

Overview

An opposition coalition came to power in late 2020 following elections held that August, ending three decades of rule by the Democratic Party of Socialists (DPS). However, the DPS maintains control over the judiciary. Corruption and party hiring remain problems, though the relationship between the government and the media has improved. The new administration has been more responsive to criticism from civil society and its political opponents.

Key Developments in 2021

- The government in November unveiled the Europe Now program, which introduced a progressive tax rate and increased the minimum wage from €250 to €450, among other reforms. The program, which the parliament adopted in December, seeks to improve living standards and reduce the prominence of the illegal economy.
- In October, President Đukanović and his son Blažo were listed in the Pandora Papers, an investigation by the International Consortium of Investigative Journalists (ICIJ) that revealed the improper financial system and connections of rich and powerful actors around the world. The ICIJ investigation revealed that Đukanović and his son had placed money in offshore accounts via two so-called irrevocable trusts, which protect the signatories even in the event of criminal prosecution.
- In June, Parliament adopted a resolution recognizing the 1995 genocide in Srebrenica. Parliament also dismissed the justice minister, who had questioned whether the genocide took place, on the same day.

Political Rights

A. Electoral Process

TOP

A1 0-4 pts

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 three decades, was elected president with 53.9 percent of the vote. Independent candidate Mladen Bojanić finished second with 33.4 percent. Though Đukanović refused to participate in public debates and some irregularities such as misuse of public resources were reported, the Organization for Security and Co-operation in Europe (OSCE) monitoring mission 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 poll's competitiveness.

The president nominates the prime minister, who requires legislative approval. Following the parliamentary elections in August 2020, Đukanović nominated Zdravko Krivokapić, leader of the strongest electoral list in the postelection coalition, for the position. Krivokapić's government was approved that December.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	3 / 4
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Members of the unicameral, 81-seat parliament—the Skupština—are directly elected for four-year terms.

While the DPS once again posted the strongest performance by a single party in the 2020 parliamentary election, taking 30 seats, it failed to secure a majority with its traditional coalition partners. With a narrow 41-seat majority, a new alliance consisting of three coalitions—the Future of Montenegro (27 seats), Peace is Our Nation (10), and In Black and White (4)—gained power. Turnout was high, at 76.64 percent.

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The OSCE and the European Network of Election Monitoring Organizations (ENEMO) noted that the polls took place in an atmosphere

of high polarization over issues including church affiliation and national identity. The election administration in some ways violated provisions of the constitution, including because the early election date was never harmonized with other legal obligations; pandemic restrictions on movement and assembly impeded campaign activities; and several lawmakers were arrested or charged with various offenses without their parliamentary immunity first being waived. The line between the ruling parties and the state was again blurred during the campaign, as the DPS and its coalition partners gained undue advantage through the widespread misuse of state resources, thus affecting the principle of equal opportunity in the campaign.

Nevertheless, the polls were widely considered an improvement from previous years' contests, with monitors and other analysts concluding that they were conducted in a more secure, orderly, and transparent manner and featured robust participation from across society.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	3 / 4
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The conduct of elections in Montenegro is facilitated by a comprehensive legal and administrative framework, but opposition parties have long claimed that this framework was seriously flawed. In 2018, Parliament voted to form a committee, composed of seven members from the ruling coalition and seven from the opposition, tasked with crafting legislation to reform electoral laws, taking into consideration recent recommendations of the OSCE and the European Commission (EC). However, numerous opposition parties refused to participate in the committee's efforts. Nevertheless, in 2020 these parties participated in elections run under a framework they had previously characterized as unfair.

TOP

A new Committee on Comprehensive Electoral Reform, comprised of all parliamentary parties, was formed in March 2021 and began to reform and improve the legal framework to ensure free and fair elections. The

committee was to complete its work by June, but in December received an extension to mid-2022.

B. Political Pluralism and Participation

B1 0-4 pts

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?	3 / 4
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Political parties are for the most part able to form and operate without direct interference.

In 2021, the ruling party refrained from intimidating and delegitimizing opposition activity by equating it with threats to the state or to public order. Because of this calmer political environment, new antigovernment political groups emerged, competed in local elections, and participated in the public sphere without being pressured or demonized as “enemies of the state.”

Score Change: The score improved from 2 to 3 because political groups face fewer obstacles to their functioning than in past years.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?	3 / 4
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Prior to the 2020 elections, the DPS had been in power since 1991, which has provided it with significant structural advantages over opposition **TOP** parties. In 2020, the opposition gathered in three coalitions, some led by figures relatively new to national politics, to focus efforts on criticizing the DPS, which proved to be a winning strategy. Surveys taken in 2021, as

well as results from March local elections in Nikšić (the largest municipality), demonstrate that though the DPS remains the strongest political party, new political groups pose legitimate challenges to its power.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?	2 / 4
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While voters are generally free to express their political choices, the DPS has created extensive patronage systems and widespread corruption, in both public and private companies with links to the state, which encourage loyalty to the DPS. Moreover, many members of the DPS are believed to have ties to organized crime, which continues to provide opportunities for illicit pressure on voters and candidates. The new government did not put a stop to the practice of clientelism, thus severely undermining the planned depoliticization and professionalization of public administration and the creation of a proclaimed meritocratic system.

The Serbian Orthodox Church (SOC) in Montenegro has exerted notable influence on the government's personnel policy.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?	3 / 4
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All citizens have full political rights and electoral opportunities. Small political parties representing interests of ethnic, religious, and other minority groups participate in the political sphere, and members of these minorities are also represented within larger parties—though the Romany population remains underrepresented. In the 2020 elections, voter materials were provided in the Albanian language, but not the Romany language.

TOP

Women are underrepresented in political leadership positions and politics generally. Though the government formed in 2020 has taken steps to increase women's participation, including through gender quotas on electoral lists, implementation remains uneven. Draginja Vuksanović, the first woman presidential candidate in Montenegrin history, won 8 percent of the vote in the 2018 elections.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

3 / 4

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. Although the constitution provides for a parliamentary system of government, Parliament passed a new law after Đukanović's April 2018 election that expanded presidential powers, including by allowing the president to form councils, committees, and working groups within the presidency.

The coalition led by Prime Minister Krivokapić, which formed a new government in December 2020, rose to power through a narrow parliamentary majority. Their dependency on this narrow majority has pushed Krivokapić to be more responsive to lawmakers than his predecessors and has enabled the parliament to be stronger in its oversight functions.

Score Change: The score improved from 2 to 3 because the parliament has engaged in more oversight over the executive during the year.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

TOP

1 / 4

Corruption and cronyism remain widespread, and modest efforts by authorities to address the problem, prompted in part by EU accession requirements, have not produced significant results. EC Progress Reports have consistently questioned the integrity, credibility, impartiality, independence, accountability, and priority-setting of the agency. The 2021 EC report noted that the agency's new management has had a more proactive approach in public outreach activities, but its independence, priorities, approach, and decision-making remain impaired. The report also emphasized a need for the political will to address the prevalence of high-level corruption and the lack of independence of various public institutions. Senior officials implicated in corruption schemes rarely face prosecution. Civil society organizations and independent media provide some accountability by reporting on official corruption and its effects.

While the Krivokapić government has made some strides in fighting corruption, state prosecutors—in particular, the prosecutor responsible for pursuing organized crime and terrorism cases—are loyal to the DPS, which impeded those efforts in 2021.

In October 2021, President Đukanović and his son Blažo were listed in the Pandora Papers, an investigation by the ICIJ that revealed the improper financial system and connections of rich and powerful actors around the world. The ICIJ investigation revealed that Đukanović and his son had placed money in offshore accounts via two so-called irrevocable trusts, which protect the signatories even in the event of criminal prosecution. Đukanović's sister, Ana Kolarević, had been named in the Panama Papers in 2016.

C3 0-4 pts

Does the government operate with openness and transparency?

2 / 4

Despite the Krivokapić government's promises to change the nontransparent practices of the past and be more open to the public, citizens still have few opportunities for meaningful participation in public consultations on legislation and policy reforms. Budget plans are not

TOP

widely available, nor is information on government contracts, which has led to criticism from civil society of the Krivokapić government's continuation of the nontransparent practices of its predecessors.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	3 / 4
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A variety of independent media operate in Montenegro, and media coverage continues to be partisan and combative on certain issues. Unlike the DPS government, the Krivokapić government has not sought to pressure reporters, nor does it exercise control of the public broadcaster, Radio and Television of Montenegro (RTCG). In June 2021, Parliament appointed a new RTCG Council, which in August appointed a new director. Following these changes, the RTCG began to feature more balanced editorial policy and more inclusive and diverse political content.

The lack of external pressure during 2021 made internal censorship within media houses and self-censorship among journalists less prominent. Structural problems inherited from the previous regime remain, as reporters who cover corruption and organized crime still risk violence. The interior minister claimed in November 2021 that all attacks on journalists during the year were investigated promptly, and the perpetrators were prosecuted. In December 2021, two suspects were detained in connection with the 2018 shooting and wounding of investigative reporter Olivera Lakić.

TOP

Score Change: The score improved from 2 to 3 because the country's public broadcaster operates with more independence under the new government and self-censorship has eased.

D2 0-4 pts

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, during the final years of the DPS government, the SOC and its adherents were subjected to discrimination and hate speech, and its clergy has been characterized by the DPS as enemies of the state.

In late December 2019, a wave of protests erupted against the newly adopted and controversial Law on Freedom of Religion or Belief and the Legal Status of Religious Communities, which contained language SOC leaders said would allow the transfer of SOC buildings and other property to the Montenegrin state. It was adopted after rancorous sessions of Parliament that saw, among other things, the arrest of opposition lawmakers. Discontent among the SOC community—the largest confessional group in Montenegro—eventually led to a wave of SOC—organized peaceful protests against the law in 2020. The protests were reportedly the largest in the history of Montenegro; at times, a fifth of the population was in the streets across the country.

In late December 2020, in a somewhat rushed procedure, the new parliamentary majority removed provisions of the Law on Freedom of Religion regulating property rights and ownership of church buildings and estates. The enthronement of a new SOC church leader in September 2021 sparked anti-SOC protests and clashes with the police in Cetinje.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

TOP
3 / 4

Academic freedom is guaranteed by law and generally upheld. However, the public maintains a generally disengaged relationship with researchers and university professors. In 2017, the rector of the University of Montenegro, who was appointed in 2014 and enacted a series of reforms, was removed by the government, violating university autonomy. In March 2020, the Supreme Court upheld the Podgorica High Court's previous ruling that her removal was unlawful. In February 2021, the governing board of the university, at the behest of the new government and student representatives, removed the rector who had been appointed in 2017. A new rector was elected by the university's managing board in July 2021.

D4 0-4 pts

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 Krivokapić government has not sought to silence dissenting voices by directing police to arrest social media users that post critical or satirical content. Individuals' fear of retribution for expressing their opinions online has diminished, and criticism of the parliamentary majority and the government has become somewhat commonplace.

Score Change: The score improved from 2 to 3 because individuals face less retribution for expressing their personal views under the current government.

E. Associational and Organizational Rights

E1 0-4 pts

TOP

Is there freedom of assembly?

3 / 4

While citizens generally enjoy freedom of assembly, the governing majority in Parliament has used similar rhetoric as its predecessors to delegitimize antigovernment protests.

Police used tear gas against rock-throwing, anti-SOC protesters in Cetinje in September 2021 and detained Đukanović's security advisor, Veselin Veljović after he tried to break the police barrier. The deputy prime minister subsequently accused participants of being terrorists who wanted to destabilize the country.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

3 / 4

Although most nongovernmental organizations (NGOs) operate without interference, those that investigate corruption or that criticized the former DPS government faced pressure. In 2020, Đukanović accused the NGO sector (and independent media) of being responsible for the “bad image of Montenegro in the international community.”

However, Krivokapić's government, which took power at the end of 2020, has recognized civil society actors as strategic partners in crafting comprehensive government reforms. Though some prominent NGO professionals taking positions in state institutions, some civil society members have criticized the government's reform commitments as being solely declarative and superficial in nature.

E3 0-4 pts

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.

TOP

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	2 / 4
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Efforts to bolster judicial independence continue, though the judiciary remains susceptible to pressure from the DPS, and judicial corruption remains a problem. Secret audio recordings and official documents leaked in 2019 implicated then-Supreme State Prosecutor Ivica Stanković (who retired in June 2021) and then-president of the Supreme Court Vesna Medenica (who resigned in December 2020) in bribery and corruption affairs; these issues are yet to be resolved. Responsibility for prosecutions remains under the tight grip of the DPS, and selective justice remains a systemic problem. There are serious deficiencies in transparency, openness, professionalism, and accountability in the judicial system.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	1 / 4
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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.

Two Democratic Front (DF) leaders, Andrija Mandić and Milan Knežević, who were charged with plotting a coup in 2016, were found guilty in May 2019 and were each given sentences of up to five years in prison. Legal procedures surrounding the trial were chaotic and opaque, several **TOP** witnesses recanted testimony, and many details of the alleged plot remained murky after the trial closed. In February 2021, an appeals court overturned the convictions of and ordered a retrial for 13 suspects

accused of plotting the coup, including Mandić and Knežević, citing procedural mistakes and violations of criminal law.

In May 2021, the government voted to change the law governing prosecutor appointments by the Prosecutorial Council, even though concerns about the Council's potential politicization were raised by the Venice Commission of the Council of Europe (CoE).

F3 0-4 pts

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 several apparent executions by criminal gangs of rivals have taken place 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 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

3 / 4

Members of the Romany, Ashkali, Egyptian, and other ethnic minority groups, as well as LGBT+ people, face discrimination. Women in Montenegro are legally entitled to equal pay for equal work, but patriarchal social norms often limit their salary levels, as well as their educational opportunities.

G. Personal Autonomy and Individual Rights

TOP

G1 0-4 pts

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 change their residence, employment, and institution of higher education are generally respected in practice. However, despite the fall of the DPS government, jobs in the public sector are still awarded through patronage network, limiting access for those without connections.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	2 / 4
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The state sector dominates much of Montenegro's economy, and related clientelism, as well as corruption, pose obstacles to normal business activity.

G3 0-4 pts

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
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The government for the most part does not place restrictions on personal social freedoms. In July 2020, Montenegro legalized same-sex civil partnerships. The first same-sex civil partnership was registered in July 2021.

Domestic violence is an increasingly severe problem, sometimes resulting in death due to the failure of law enforcement institutions to act preventively.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	TOP 3 / 4
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Most workers employed in the private sector remain unprotected from exploitation and arbitrary decisions of their employers. Human trafficking for the purposes of prostitution and forced labor remains a problem. The government does not fully meet the minimum standards for the elimination of trafficking but is increasing efforts to do so compared to the previous reporting period, according to the US State Department's 2021 *Trafficking in Persons Report*.

The government in November unveiled the Europe Now program, which introduced a progressive tax rate and increased the minimum wage from €250 to €450, among other reforms. The program, which the parliament adopted in December, seeks to improve living standards and reduce the prominence of the illegal economy.



On Montenegro

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Country Facts

Global Freedom Score

67 / 100 Partly Free

Other Years

2021

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