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Montenegro

Country:

Montenegro

Year:

2018

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

67

Freedom Rating:

3.0

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.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 25 / 40 (-1)

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 2013, President Filip Vujanović was reelected with 51 percent of the vote. Miodrag Lekić of the main opposition Democratic Front (DF) followed with 49 percent. Opposition supporters protested the results, alleging fraud, and boycotted the parliament for two months; the boycott ended after parties agreed to investigate allegations of the ruling party's misuse of

public funds—a complaint common in Montenegrin elections and one which has prompted public mistrust in electoral processes. The Organization for Security and Cooperation in Europe (OSCE), which monitored the election, said the poll had been competitive and that “fundamental freedoms of expression, movement, and association were mostly respected” during the campaign.

The president nominates the prime minister, who requires legislative approval. The parliament confirmed Duško Marković of the DPS as the new prime minister in November 2016, following legislative elections. Marković was considered an ally of Milo Đukanović, who has served as either prime minister or president for most of the last two decades, and who as DPS chairman is expected to retain influence in the government even after vacating the prime minister’s post in 2016.

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 eventually forming a government with smaller parties. The main opposition DF took 18 seats. Alleging electoral fraud, the opposition rejected the polls’ results, and initiated a boycott of the parliament that lasted through the end of 2017, though at year’s end opposition members were indicating that they planned to return to the legislature.

While OSCE election monitors assessed the 2016 polls as credible, numerous violations were reported, and the European Union (EU) days after the election called for fraud claims to be investigated. The Montenegro-based NGO MANS accused the Montenegrin 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 election day, citing “illegal marketing” taking place on the platforms.

Additionally, on the day of the elections, the Montenegrin government 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 members of the opposition, have been charged in connection with the alleged coup.

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. However, the OSCE following the 2016 elections called on authorities to implement a number of reforms that could boost low stakeholder confidence in electoral processes, among them harmonizing electoral legislation and permitting media access to meetings of the State Election Commission.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 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 (-1)

Political parties are for the most part able to form and operate without direct interference. The new Democratic Montenegro (DCG) party gained 8 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.

Score Change: The score declined from 3 to 2 due to the government's efforts to delegitimize political activities that challenge its policies as threats to the state or to public order.

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

While numerous political parties compete for power, the opposition is fragmented and weak, and frequently boycotts political processes. The DPS has been in power since 1991.

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? 3 / 4

While voters are generally free to express their political choices, extensive patronage systems encourage loyalty to the ruling party. 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, are have been mobilized by DPS through vote-buying schemes.

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 Roma minority is underrepresented. In the 2016 elections, voter materials were provided in the Albanian language, but not Romani.

Women are underrepresented in political leadership positions and politics generally. The government has taken some efforts to increase women's participation, including through gender quotas on electoral lists, though implementation is uneven.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials can generally determine the policies of the government, though politics in 2017 were characterized in large part by an opposition boycott of the parliament. Milo Đukanović, who has served as either prime minister or president for most of the last two decades, left the post of prime minister following the DPS victory in 2016 elections, but is head of the DPS and remains highly influential.

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 has been criticized for lacking independence and for failing to do enough to expose systemic corruption. 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 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16 (-1)

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 in order to avoid threats, political pressure, costly defamation suits, or job loss.

In a positive development, investigative journalist Tufik Softić was awarded €7,000 (\$8,600) in November 2017 for harm caused by the authorities' failure to effectively investigate two attacks he sustained in connection with work focusing on the activity of criminal groups.

Investigative journalist Jovo Martinović, who was initially detained in 2015 on allegations that he was a member of the criminal group he was investigating, was released in February. However, the case against him remains open.

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 October 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. It was the first time the government had intervened in the operations of the university in such a manner, and 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 (-1)

People are generally free to engage in public discussions. However, 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.

Score Change: The score declined from 4 to 3 due to fears that speaking out against the government or its policies may endanger professional standing or opportunities.

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 taken efforts to limit protests organized by the DF, and violence at demonstrations erupts occasionally. In 2015, antigovernment demonstrators in Podgorica clashed with police who tried to disperse them, with police on one occasion firing tear gas and stun grenades at protesters. The Special Anti-Terrorist Unit was implicated in misbehavior, and a suit was lodged against its commander in 2016 for failing to punish his officers for the improper use of force. He was sentenced to five months' imprisonment in January 2017.

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

Citizens generally enjoy freedom of association. However, nongovernmental organizations (NGOs) that investigate corruption or criticize the government face pressure. In August, workers with an NGO focused on LGBT (lesbian, gay, bisexual, and transgender) rights were attacked, with one person requiring hospitalization.

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.

The trial of DF members and several others on charges of plotting a 2016 coup began in September 2017. The conduct and 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. However, prison conditions do not meet international standards for education or health care. Reports of the abuse of prisoners by prison guards continue, and a number of legal cases filed over such complaints remained unresolved in 2017.

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

Roma, Ashkali, Egyptians, LGBT 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. Same-sex marriage is constitutionally banned.

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, and the government has reduced efforts to prosecute traffickers and aid victims, according to the U.S. State Department's 2017 *Trafficking in Persons Report*.

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