



Gradanska alijansa  
Civic Alliance - Alianca qytetare



# 10 YEARS OF INDEPENDENCE

# Insight view



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# Introduction

*Dear Madam/Sir,*

This publication is the attempt of Civic Alliance team and its partners to present the ambient in which the citizens have lived in past ten years, in independent Montenegro. The country consists of strong institutions. Our desire is to describe institutions in this publication, in objective and impartial manner, using the arguments embedded in the official documents. Quality of the statehood foundations designate the destiny of the “construction”, thus, the publication is our contribution to familiarizing ourselves with the “foundations” we have made as the country.

Montenegro restored its independence in 2006, but not as the national country of Montenegrins, or bordered territory of different national and religious groups, but as the country of all citizens in Montenegro. As such, its symbol should be the quality and efficiency of public services. Only then, the hymn, flag and coat of arms come to its full meaning. And only then we can expect healthy patriotic sentiment of all taxpayers. Otherwise, all of them shall stay closed in their nationalistic spheres that are, by the rule, directly opposed to each other. For that reason, professional and responsible public services are the strongest guarantee for sustainability of a country, not the amount of emotions for its symbols.





As the rule, jubilees serve to point out and open a new page towards more successful future. Our inside view abounds with a number of examples depicting the extent we have succeeded as the nation in intentions set ten years ago.

We are convinced that the first step in overcoming the problem is accepting that the problem exists. This publication serves as the intention to face with ourselves on the level of whole society and to make our best in exerting the pressure on decision makers not to repeat mistakes from the past. Support should be rendered to all who worked efficiently and responsibly, and only then for the next jubilee we will have less examples that describe this country worse for the life of its citizens.

# THE COUNTRY: HUMAN RIGHTS



Photo: Gradanska alijansa

MILLIONS FOR VICTIMS – NO ONE IS GUILTY

# Twenty years long waiting for justice

## War crimes

### ▶ **Deportations**

In May 1992, citizens from Bosnia and Herzegovina (refugees) were illegally arrested and then deported by hostile armed forces of Serbs in BiH. Many of the refugees were killed. According to some findings, more than 66 Muslim refugees were arrested and deported. Nine persons were accused of war crimes for the deportation of Bosnian refugees from the territory of Montenegro during 1992. All the accused persons were acquitted.

### ▶ **Bukovica**

During the 90s, Bukovica was the target of ethnic cleansing. At the beginning of 1992, 24 villages and 221 people were displaced. Between 1992 and 1995, six civilians were killed, 11 were kidnapped, 70 were physically tortured, two committed suicide after being tortured, and eight houses and the village mosque were burned. All the accused persons were acquitted.

### ▶ **Kaluđerski laz**

War crimes in Kaluđerski laz happened in 1999 in the municipality of Rožaje. In April 1999, 23 Albanian civilians were killed in Kaluđerski laz. Among these people were children, women, and the elderly. All the accused persons were acquitted.

### ▶ **Morinj**

I.M. was punished with a four-year prison sentence, Š.L. and B.G. with three-year sentences, and I.G. was punished with a two year sentence, all for the 1991 and 1992 torture of Croatian soldiers, who were taken to the war front prison near Dubrovnik, and then to the camp Morinj, near Kotor.

### ▶ **Štrpci**

In Štrpci, in 1993, 19 people were taken from the train number 671, on the road from Belgrade to Bar. Eighteen of them were Islamic and one person was Croat. After they were abused, these people were killed. Their remains have not been found yet. Until recently, corpses of only three persons had been found. Only Nebojša Ranisavljević was accused for the crime committed in Štrpci against Islamic civilians, and was punished with a 15-year prison sentence that expired on 19 October, 2011. The trial revealed that Milan Lukić organized this crime. Lukić was punished with a life sentence in Hague for war crimes committed during the 90s, but has never been on trial for the above mentioned crime. Three years ago, the investigation was opened again, in the context of regional cooperation between the Prosecution Offices in Bosnia and Herzegovina and Serbia. This resulted in the arrests of 15 persons in 2014, five persons in Serbia, and ten persons in Bosnia and Herzegovina. The youngest victim of this crime was 16 years old and the eldest was 59.

### ▶ **Dubrovnik**

Nine months long siege of Dubrovnik started on 1 October 1991. Pavle Strugar, retired Montenegrin general in the Yugoslav People's Army (JNA) and commander Miodrag Jokić, were found guilty for war crimes committed during the siege of Dubrovnik. They were sentenced by the International Tribunal for Former Yugoslavia (ICTY). Montenegrin institutions still have not processed the attack on Dubrovnik, although large number of war crimes against civilians was committed at the time of siege and bombing of the city, destruction and plunder of property.

## Responsibility?

- ▶ The country directly accepted the responsibility for war crimes, when the government made the decision to settle in court with the families of victims, in the amount of 4,135,000 euros.
- ▶ According to available data, more than 1,500,000 euros was awarded in Montenegrin courts for compensation of damage to victims of war crimes.
- ▶ For the return of displaced citizens from the village Bukovica, the Government of Montenegro invested 4.5 million euros. In this project, more than 85 residential buildings were built, 50 auxiliary objects, existing road was reconstructed, access roads were built, more than 51.1 km of primary local roads were reconstructed. Reconstruction of the landslide on the main road to Kovačevići was done, while 13.5 km of electrical distributive grid was also reconstructed. According to the NGO Association of citizens from Bukovica, eight families with 14 members returned and live there, and an additional 11 families live in Bukovica during the summer.



Photo: balkans.aljazeera.net

- ▶ **For almost 240 days, people from Dubrovnik lived with the land and sea blockade: 138 days without electricity and water, and more than four months spent in shelters.**

**A four-year prison sentence is the highest punishment Montenegrin courts ruled in the process of facing the past. In the case of Morin, I.M. was sentenced.**

*The country was passive in the process of facing the past. Court procedures involved direct perpetrators, but the matters of command and agitating responsibility have not been initiated. Ivica Stanković, Supreme Public Prosecutor said in March 2016 that seven cases were formed in Special Public Prosecution Office that were related to war crimes; he mentioned that the strategy implemented since 2015 by the Public Prosecution Office envisaged the review of old cases. The last Resolution of the European Parliament (March 2016) invites the Government of Montenegro and Public Prosecution Office to improve efforts in the fight against impunity practices for war crimes, and to react proactively in response to other statements on war crimes, especially in view of the responsibility of functionaries who were at the top of the chain of command.*



## TORTURE AND VIOLATIONS

# Long investigations and double standards

Since 2006, NGO Youth Initiative for Human Rights (YIHR MNE), member of Civic Alliance (CA), has monitored the activities of competent institutions in cases of serious statements on violations and torture. Although progress has been made in this area, torture still occurs, but the attitude of public institutions remains unprofessional and impartial. The Institution of Protector of Human Rights and Freedoms and the Council for the Civil Control of Work of the Police significantly improved their work and supported the NGO sector that works in this field.

### Cases

- ▶ CA registered cases where investigations, after serious charges for torture, were late or were inefficient, ineffective, and were not independent. According to the Committee against torture, investigations of torture cases that are late 15 months are unreasonably long. The Committee also said that formal filing of lawsuits for torture are unnecessary and added it was enough if the victim testifies about the torture. In that manner, the country would be obliged to investigate the case impartially and without delay. However, CA registered in practice a large number of cases where similar investigations failed.
- ▶ The problem of police officers convicted for violations of human rights, who still do their job, was found in the previous period. In the latest example, three police officers who have been convicted for assisting in the torture of Aleksandar Pejanović. For this crime, they each received a three-month prison sentence. After serving the sentence, they were returned to the same job positions.
- ▶ During protests in October 2015, Civic Alliance formed 25 cases as the result of citizens' complaints of violation, inhuman treatment, and material damage caused by police officers. All cases were documented through media reports, photos, and testimonies. We are still waiting for the response of public institutions in identifying and processing the police officers who tortured and mistreated citizens.
- ▶ In cases in which charges are filed by both citizens and police officers (or ZIKS officers), the Prosecution Office often in practice processes charges against citizens more efficiently, which results in convicted citizens, even if the corresponding trial against the officers has not even started yet. One of the latest examples is the incident that happened in January 2015, when prisoners were sentenced to 35 years for assault on officers. On the other side, the trial has begun, in which the defendants are officers who, according to the Ombudsman, excessively used force, tortured, and inhumanly treated convicted persons thus violating their human rights. In this case, the Ombudsman confirmed that three convicted persons suffered torture.

- ▶ Three verdicts for torture were rendered before European Court of Human Rights in Strasbourg. In terms of the verdict in the case Bulatović, a violation of rights has been determined because of the poor conditions and duration of the detention. As per the Milić/Nenezić case, it was determined that the decision of the public prosecutor to reject criminal charges was not based on an adequate assessment of all relevant facts, especially taking into account the findings of the Ombudsman and the disciplinary procedure and evidence of violations and of the excessive use of force. In the case of Siništaj and others, among other matters, Montenegrin authorities did not examine and did not investigate visible physical injuries, and an investigation conducted by internal control was not assessed as independent.

*In October 2015, CA reported and afterwards registered several cases of torture, in which competent public institutions did not conduct fast, efficient, and effective investigations that would lead to sanctioning of all violators of human rights. Cases of long court trials for inhumane treatment and punishing were also registered, and are still in process. Competent institutions, primarily Prosecution Offices, did not investigate efficiently and effectively all allegations that police officers had violated human rights, and the largest portion of cases have not been completed with the final sentencing of accused persons.*

- ▶ **Only two police officers, members of the Special Anti-Terrorist Unit (SAJ) were deprived of liberty in the case of torture of Mijo Martinović. Police officers did not want to cooperate in investigation, rejecting to identify colleagues who participated in beating up of Martinović**





## CIVIC CONTROL OF WORK OF THE POLICE

# Insignificant powers of the Council

Control of the police in Montenegro is exercised by parliamentary, civic, and internal control. Forms of control of the police are different, but are not coordinated or synchronized. Just before the renewal of Montenegrin independence, civic control of the police was established.



Civic control of the police turned out to be a very efficient mechanism in practice that contributes to police integrity and to the democratic management of the police, improving the transparency of the police, the rule of law, and the respect of human rights and freedoms. However, the Council possesses the least, almost insignificant, authority.<sup>1</sup> The Council delivers assessments, opinions, and recommendations related to police actions. Afterwards, the Council submits this to the Minister of Interior, who is obliged to inform the Council on undertaken measures, which do not occur often in practice. This is especially registered in cases describing the police as discredited.

Although citizens and police officers may address the Council, addressing of the police officers is very rare. This further indicates on a significant closeness of the police organization, and a fear to report non-ethical, illegal, unprofessional acts, and acting that violates human rights and freedoms. Control of the police that has been reformed since 2005, will achieve its full success and purpose when complaints and reports against police officers, related to violation or non-professional use of police authorities, outnumber complaints against citizens.

### **“Police silence” hides brutal violation of human rights**

Uncovering the facts of brutal examples of human rights violations is often not possible because of the so-called “code,” (sometimes referred to as the rule, police silence, police solidarity, or “loyalty”) found even in cases of violations of ethics and complete illegality.

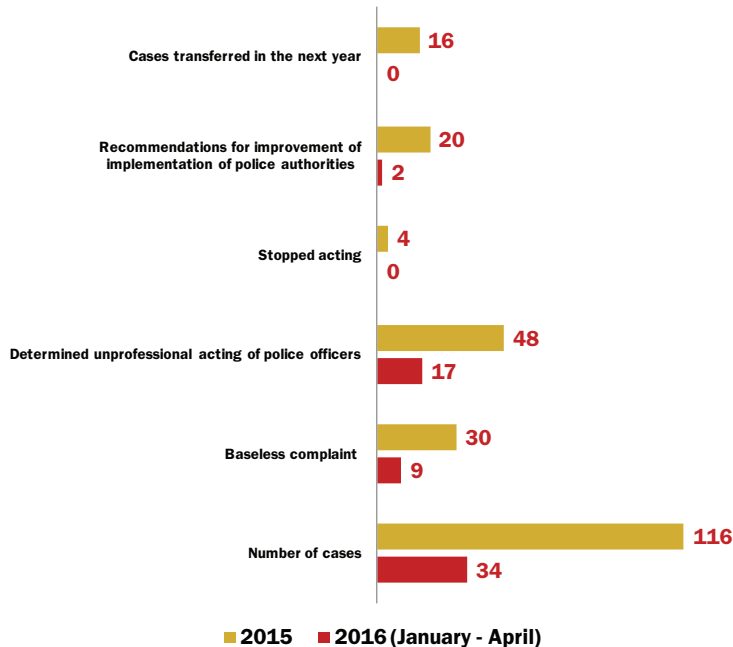
Despite its limited capacities and resources, the Council developed the practice of reporting on the respect of human rights in the practices of Montenegro’s police authorities ([www.kontrolapolicije.me](http://www.kontrolapolicije.me)).

<sup>1</sup> Text of Aleksandar Zeković, President of the Council for civil control of work of the police

## Work in the name of citizens

The Council for the Civic Control of Work of the Police is a collective body specialized for the police, which, in the name of citizens, monitors and improves police practices related to the respect of human rights and the implementation of the police authorities.

### Work of the Council for the Civic Control of Work of the Police in 2015 and the first four months of 2016



A police force with integrity means a service that is free of any form of corruption or violation. Since its establishment, the Council has tried to promote the brand new police culture. That is the culture of high commitment to the job and duties of policing, a culture of respect for all regulations defining police affairs. That is a culture in which there is no protection of police officers who are not worthy of the police profession, and a culture that doesn't tolerate unlawfulness and violations within the police.

*Promotion and "celebration of the country" are good to use to emphasize the development of a new police culture on which democratic and public bodies dealing with investigations may count.*

## STATUS OF LGBT POPULATION

# Guaranteed freedom only with the police protection

At the moment of renewal of national independence, homosexuality in Montenegro was used for the social criminalization, pursuit, and discrediting of political opponents. There is a large number of examples of blackmail stopping and redirecting promising professional careers. Criminal and legal investigation, especially investigation of persons in the security sector, has yet to occur, despite the fact that independent Montenegro has adopted European values and is on a serious road to the EU and NATO membership.



Since its independence, Montenegro has developed a visible LGBT community. The truth is that it is far from being an organized and stable group, equipped to advocate overall interests constructively and in a serious manner. However, the fact is that it exists and acts in that manner. Compared to the general population, LGBT organizations register the highest confidence in society. And really, LGBT organizations, jointly with media, are the only groups that are active and devotedly work towards the social acceptance of LGBT persons. However, disunion is evident, and hatred and a number of obstructions have become evident among LGBT leaders and activists.

The first publicly declared representative of the LGBT community, Zdravko Cimbalević, left the country because of a lack of adequate protection after organizing the first pride parade. Because he received death threats and his lack of security and legal protection, Canada granted him political asylum.



► **2.000 policemen protected the first pride in Podgorica**

## THE COUNTRY: HUMAN RIGHTS

The LGBT population's right to peaceful assembly is allowed to some extent in independent Montenegro. Pride parades in Podgorica have been organized regularly since 2013 in the so-called Governmental Area with police, not public, protection. Pride parades have been prohibited in Nikšić three times, while the demonstration in Bar was cancelled because police protection was not provided, and (under the pressure of the police) was cancelled rather than be prohibited.

Strategy for Improvement of Quality of Life of LGBT Persons, an LGBT policy, has been adopted by independent Montenegro, but is not implemented. In this document, everything seems as if it were written for some other country; one with a different mentality, with serious institutions, and a longer democratic tradition. The fact that the Prime Minister has a Councilor for us, the LGBT population, is the breakthrough in Montenegro. This should be confirmation of discontinuity. And this is in comparison with the blackmailing and the previous Prime Minister, who is now the ambassador in the neighborhood, who proclaimed it policy that the LGBT population should not even breathe, but should at the same time take care not to suffocate. Councilor of the Prime Minister is, or at least he thinks he is, the national LGBT Coordinator. The Council for the Protection from Discrimination, whose education earlier praised the government, which should take care about the monitoring of the Strategy, is abolished without the supposed LGBT Coordinator's knowledge. The essence of LGBT policy implementation in Montenegro is reflected in the silent war between minister and councilors, who are at the service of the same Prime Minister.



### **Cases on assaults have not been solved**

With the great effort of LGBT organizations in Montenegro, the first LGBTIQ culture center has been opened in Montenegro, which was the target of stoning more than 30 times and was demolished as well. None of these assaults have been resolved. The Drop In Center and LGBT shelter have functioned for years. LGBT organizations have initiated an intensive publishing production that has proved very useful for the police, prosecution, and judiciary. The Confidence Team of the LGBT community and the Police Directorate, the first of its kind, has been established. The Police LGBT contact network has also been founded. Prosecution and judiciary have improved their capacities and devotion to standards through cooperation with LGBT groups. We can proudly say that solid and correct criminal, legal, and judicial protection is now provided in Montenegro. However, a number of incidents are still unresolved.

*Activities of LGBT activists and meetings with opponents of equality, have done more for social acceptance of LGBT persons (with active and visible participation in citizens' protests) than all efforts of the government as a whole.*

## JEOPARDIZING LABOUR AND TRADE UNION RIGHTS

# Transition shut down tens of thousands of jobs



In previous years, Montenegro was faced with radical political, economic and social transformations. Owing to direct foreign investments, the period following independence was a period of double-digit growth rate of the GDP, with tourism as the growth-driver. However, the economy's structure radically changed, so that today almost 70% of the workforce works in the service sector. Small and medium enterprises comprise almost 99% of all enterprises and they contribute to 60% of the GDP. Economic growth was interrupted by the global economic crisis and prospects for fast and full economic recovery are still not visible. Economic fall again caused the rise of poverty, which leads to deep regional differences in view of economic development and standards of living. The labour market was faced with significant changes in this transition period, when tens of thousands of people lost their jobs. In 2010 alone, more than 10,000 people were fired. This had a huge impact on our small economy. On the other side, the percentage of newly created jobs was insignificant. As the precondition for the resolution of a number of problems Montenegrin society is faced with, unemployment seems to be the most serious issue, especially the high rate of youth unemployment and the harder-to-

employ sectors of the population. Since August 2008, after the adoption of the new Law on Labour that was devastating for the working force, the number of fixed-term employment contracts drastically rose (according to data of the Ministry of Labour, until the end of 2010, 90% of all fixed time employment contracts were fixed-term). The labour market contains a high level of grey economy. According to unofficial assessments, 35 to 40 thousand people work in the informal economy (grey market). Following constant lobbying from trade unions, the government finally began—last period—to start up all institutional mechanisms for fighting against grey economy. However, the effects are still not recognized, and the fight against grey economy remains one of the biggest challenges for all of our society.



► **Celebration of 1 May 2016, International Workers' Day**

The violation of workers' rights has become the rule, not the exception, with irregular payment of salaries and contributions for social insurance, illegal introduction of overtime, and illegal work at the time of national and religious holidays, thus violating the institution of modifying employment contracts and stultifying the institution of temporarily transferring employees through the agency. An insufficiently developed culture of social dialogue at the bipartite level contributes to negative atmosphere at the labour market.

Jointly with violation of labour rights, drastic violations of trade unions' rights to organize and act are present in Montenegro. Besides national regulations, freedom of trade union organizing is guaranteed by a number of international regulations.

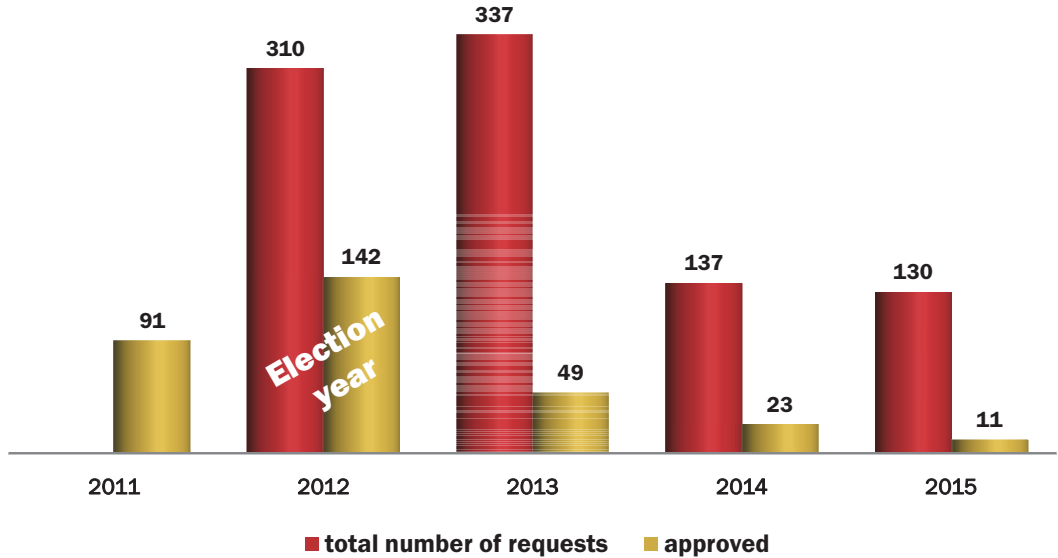
### **Examples of jeopardizing trade union rights**

- ▶ Without disciplinary proceeding, President of the Trade Union organization Steel Factory Nikšić received the decision about termination of work because he allegedly “presented inaccurate data about the work and business activities of the Steel factory, and data that were described as confidential,” whereas the Employer did not mention legal grounds (rulebook about the business secrets that has been breached).
- ▶ There is a characteristic example of long-term deprivation of rights on trade union activities and ignoring of members of Trade union organization of the Army of Montenegro by employers, who at the same time give privilege and logistic support to members of another trade union organization (Trade union of Army MNE) for membership of employees in that trade union.
- ▶ One of the most drastic examples of violation of labor and trade union rights is the example of bankrupted Aluminum Plant Podgorica (KAP). In the concrete case, president of the only representative trade union in KAP was dismissed, despite the fact that national and international documents guarantee protection from dismissals of representatives of workers at the time of doing their functions and at least six months after termination of duties. Besides, the president of this trade union found out about the decision of the management on her dismissal via media. In an attempt to resolve the problem before competent institutions, Union of Free Trade Unions of Montenegro came to a very serious conclusion that competent institutions in Montenegro employees, employed according to the Labor Contract, who are engaged in bankruptcy procedure, do not have the same rights as other employees in Montenegro.
- ▶ One more case of violating rights of trade unions is dismissal of the president of the Trade union of Media of Montenegro. The court procedure also proved that dismissal was illegal, as the president of this Trade union was returned to her job position by the final decision of the court.
- ▶ Prevention of trade union activities and its organizing is also reflected in preventing of attempts of employees in Ericson a.b. Stockholm (part of the foreign company in Montenegro) to freely decide on membership in trade union they choose (in the concrete case – their joining to the Trade Union of Telekom Montenegro). Even in this case, institutions of the system, despite obligations and universal rights prescribed by international regulations, prohibit formal exercising of the freely expressed will of employees, which is the precondition for the trade union operating.

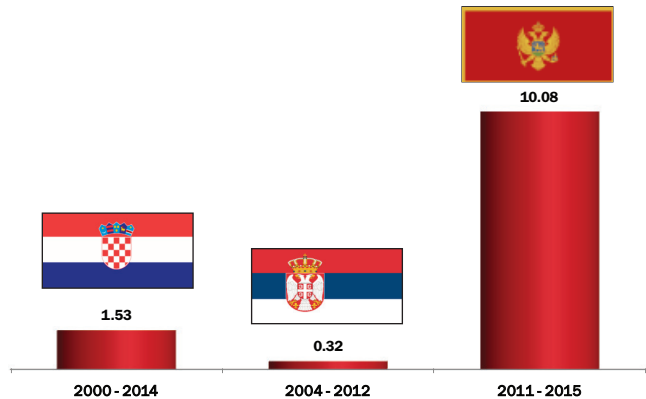
AMNESTY PROCLAIMED BY THE PRESIDENT OF MONTENEGRO

# Vujanović misused its competences

► Source: [www.predsjednik.me](http://www.predsjednik.me)



► Majority of amnesties, Vujanović approved in election year



Annual average of amnesties in comparison with 100.000 people



## MANIPULATION WITH LEGAL ACTS

## Law amendments for electoral purposes

Since independence, Montenegro has had four laws on amnesty, in 2006, 2008, 2010, and 2013. It is indicative that each law coincides with the election cycle. Elections and a referendum took place in 2006, elections for the President of Montenegro in 2008, local elections in Podgorica, municipalities Bar, Bijelo Polje, Danilovgrad, Žabljak, Kolašin, Plav, Plužine, Pljevlja, Rožaje, Šavnik, and Gusinje took place in 2010. The last Law on amnesty was adopted in a non-election year, after the initiative of the Socialist People's Party (SNP), so that this law could not be misused as was the case in earlier elections.

*Frequent adoption of amnesty laws makes the sanction policy pointless, because prisoners do not round up the resocialization process to the needed extent. On the other side, there is a lack of consultations with psychologists, sociologists, and other professionals on the negative impact of frequent amnesties on victims, families of victims, and overall society.*



► Often adopting of amnesty laws makes sanctioning policy pointless



## GENDER EQUALITY IN PRACTICE

# Do women in Montenegro get the chance they deserve?

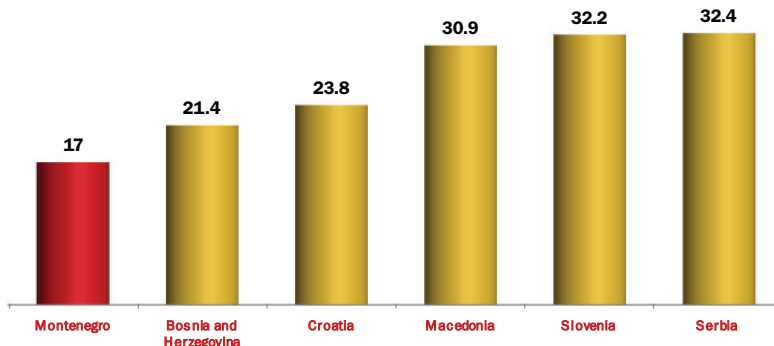
According to data from the national Agency for Statistics from 2014, women made the majority of population in Montenegro (50,6%). Women ended faculties more successfully (60,5% of females compared to 39.5% of men). However, considering their representation in political life and their authority positions, seems that women do not receive opportunities they deserve, especially when bearing in mind their qualifications and number.

According to data of Ministry of Human and Minority Rights, in the executive power, from all employees in ministries in 2015, women represent majority (59,68%), which doesn't indicate their real political activism. The Government has 17 minister positions out of which four are taken by women: Minister of Defense, Minister of Science, Ministry of Labour and Social Welfare, and Minister without portfolio. The President and Secretary General of the Government are men. All four Vice Presidents in the Government are men. At the positions of Deputy Ministers is more than 44% of women. Women are leading eight out of 28 public authority bodies within the Ministries. In the Army of Montenegro and Police Management average employed women is not going over 9%. In diplomatic and consular representations of Montenegro, women are under-represented, particularly at higher positions.



► **The European Commission says that it is important to harmonize laws, with the aim to improve representation of women in politics**

**Participation of female MPs in Parliaments in the region (%)**



Average share of women at position of judges is 37%. Situation is somewhat better in Prosecution and Supreme Court where 60% of prosecutors are women.

Data regarding share of women at higher position in local authorities indicate extremely low participation of women – only in three municipalities (Andrijevica, Kolašin and Podgorica) share of women in local authorities is barely exceeding 30%, while in Ulcinj it is extremely low with 6,25%. Only 6 women are among 78 key positions of presidents and vice presidents of municipalities and presidents of local parliaments. Only one mayor is women – in Kolašin municipality. Situation is somewhat better in legislative power with 23% of women members of 23 local parliaments. Although women make half of working force in economy in Montenegro, their participation in entrepreneurship is less than 10%. This is much less than the average of countries (members of the EU) with the lowest rate of women’s entrepreneurship. Even though they do the same job under the same conditions, studies show that women are less paid than men for 14%.

*Messages from the European Commission remind us that representation of women in politics in Montenegro is very poor, and that is up to the Parliament of Montenegro and Board for gender equality and their responsibility to change the Law on representation of women and culture. The EC also believes that it is important to harmonize and amend all laws on political parties in order to improve representation of women in the process of access to the European Union, at both national and local level. Even competent ministries believe that it is important to improve representation of women in representative and executive bodies of authority at all levels.*

**95<sup>th</sup>**  
 position in the world -  
 Montenegro holds this  
 position according to the  
 percentage of women's  
 representation in the  
 Parliament

## WORK OF THE FUND FOR PROTECTION AND EXERCISING OF MINORITY RIGHTS

# Illegally allocated more than five million euros during six years?

## Allocated finances by the Fund

2015	796,030.00 €
2014	743,230.00 €
2013	727,500.00 €
2012	738,390.00 €
2011	800,000.00 €
2010	850,000.00 €
2009	900,000.00 €
total	5,555,150.00 €

► Source: [www.fzm.me](http://www.fzm.me)

The National Audit Institution found a number of irregularities in the work of the Fund for the Protection and Exercising of Minority Rights. Members of the Managing Board officially indicated a number of irregularities while the Progress Report of the European Commission, among rare institutions, mentioned the Fund's functions in a negative context. It is well known that the Fund functions through a conflict of interests and that some members of the Managing Board approve funds for their organizations, and in specific cases receive up to five honoraria payments for different functions. That the money is easily spent proves the fact that the Director of the Fund drives luxury and expensive sport vehicle. A specific problem in the work of this institution is that it does not support multiethnic projects.

*Annually, the Fund spends almost a million euros on allocations and administration. Although the Administrative Court annulled four decisions on allocation of the Fund for protection and exercising of minority rights, after the initiative of Civic Alliance, there were no sanctions for non-execution of court decisions. The last allocation of funds is also under the court procedure.*

## Facts

Report of the Ministry for Human and Minority Rights: Minorities are still insufficiently represented in public bodies and institutions, especially at managing positions.

MONSTAT: The lowest average salary in Ulcinj (February 2016 – 400 EUR)

Citizens from the northern part of the country, where dominantly live representatives of minorities, massively leave the country, especially during last year, due to the poor economic situation and unemployment.

Dates marking the crimes that happened in Montenegro during 90s have not been proclaimed.

A sustainable method for financing of minority media does not exist – Report on Implementation of European Chart on Regional and Minority Languages, 2015.

The Roma population is still the most endangered and most discriminated minority population in different spheres of life – the EU Progress Report for Montenegro 2015.

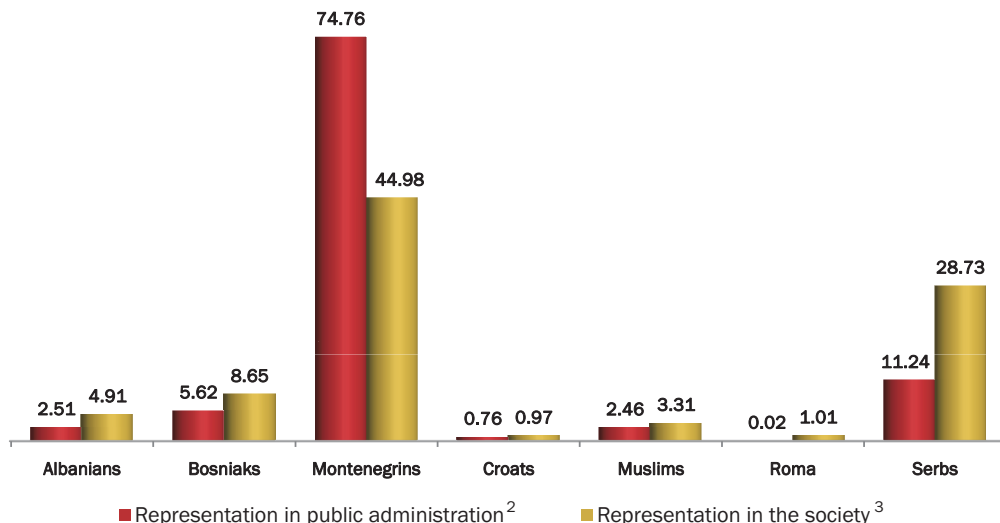
It is important to adopt amendments of Law on Minorities that should remove possible conflicts of interest in procedures for controlling of funds for minorities – the EU Progress Report for Montenegro 2015.

Weak transparency and control of funds for minorities are matters that should be urgently resolved – the EU Progress Report for Montenegro 2015.

## VIOLATION OF INTERNATIONAL REGULATIONS, THE CONSTITUTION AND LAWS

# Weak representation of minority population in public institutions

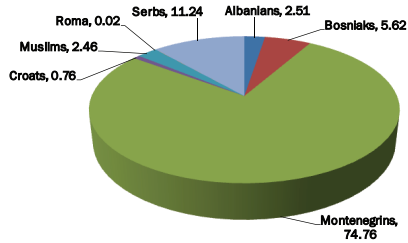
Since Civic Alliance has started to monitor this area in 2008, the results of research show that public institutions are closed for minority population and that the level of discrimination is high. The Institution of the Protector reported on inadequate representation, even eight years ago. The latest results from 2015 showed that the situation has not changed and that inadequate national representation is still present. This is opposite to Article 79 of the Constitution of Montenegro that guarantees minorities the right to authentic representation in the Parliament of Montenegro, in units of local self-government, in which they represent a significant part of population, and right to proportional representation in public services and public authority bodies and local self-government.



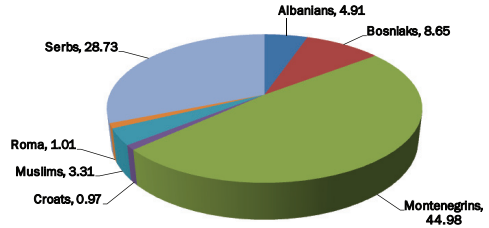
<sup>2</sup> Ministry for Human and Minority Rights, *Information on representation of minority population and other minority national communities, in public bodies, public administration bodies, local self-government bodies, courts and Public Prosecution Office, 2015*

<sup>3</sup> Monstat: [http://www.monstat.org/userfiles/file/popis2011/saopstenje/saopstenje\(1\).pdf](http://www.monstat.org/userfiles/file/popis2011/saopstenje/saopstenje(1).pdf)

**Representation in public administration (%)**

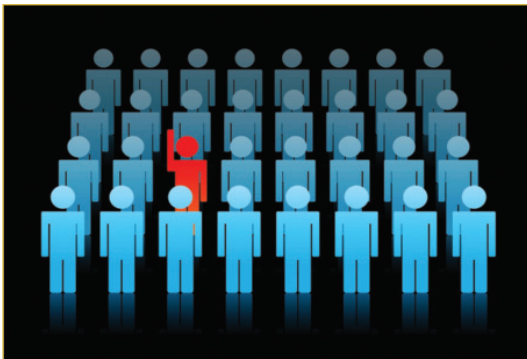


**Representation in the society (%)**



Even Article 15 of the Framework Convention for the protection of national minorities prescribes that the country that has ratified this document has to “create necessary conditions for efficient participation of national minorities in cultural, social and economic life and public affairs, especially those they are involved in.” The Law on Minority Rights and Freedoms also defines proportional representation in public bodies and bodies of local administration.

However, a number of public bodies and institutions violate the Constitution, international standards, and national regulations. At the level of the government (ministers, directors of directorates and councilors of cabinets) only two Albanians are employed. Out of nine members of the Judicial Council, only one member belongs to a minority population and the same situation is at the Prosecutorial Council, in which only one member of a minority population is employed among 11 members of the Council. The Special Antiterrorist Unit (SAJ), as the elite unit of the Police Directorate, has no minority members, and the percentage of minorities in the Agency for National Security is negligible. Out of 260 people employed at the Central Bank, less than 4% belong to a minority population.



*Results of the research of the Ministry for Human and Minority Rights showed a large number of institutions that are mononational, which says some about the relations our “civic” country has towards interculturalism.*

- ▶ **Although the Law on Minority Rights and Freedoms defines proportional representation in public bodies and bodies of local self-government, the situation in practice is completely different.**

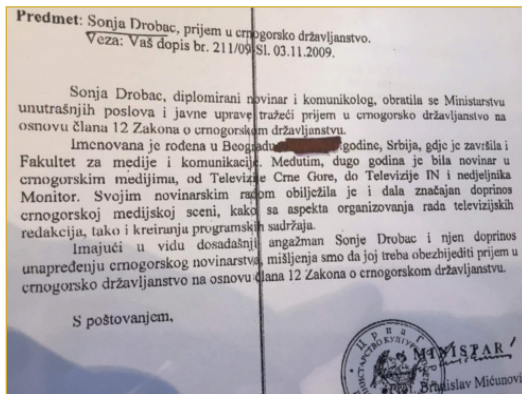
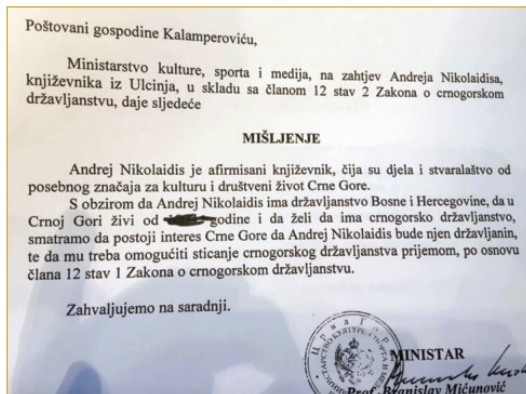
## LAW ON CITIZENSHIP

## How Montenegrins stopped being citizens of Montenegro...

Exercising right to citizenship is chaotic even after ten years, and for a lot of Montenegrins, very painful. People who have lived in Montenegro for their whole lives, who have not changed the residence for the last 20-30 years, who earned their retirements in Montenegro, are faced with the cruel truth. Although they did not change anything, the country changed and they stopped being the citizens of the country they live in, although yesterday they were. There are many testimonies of people on how painful and humiliating the situation was at the beginning, and then frustrating and concerning when they realized what the procedure and costs were.

There are a lot of objections on lack of accessibility, lack of kindness and imprecision in giving of information and directions by employees of the Ministry of Interior (MUP). So, according to their "kind" instructions, some people took the identity card for foreigners as the only solution, and no one even told them they would lose citizenship, although they fulfilled all the conditions. Some of them arrived in the early nineties in Montenegro as refugees or displaced persons. A significant part of them lived in Montenegro until the age of 25, either their parents are from Montenegro, either they were born in this country or lived in Montenegro until they got married (mostly in some of the former Yugoslavia countries)... and then some employees told them to collect documents so they can become citizens of Montenegro. They sent them to their home country to take the certificate from the court that cannot be obtained there with-

- ▶ **Since this law came into force at the end of last year, 177 people of "special importance" have received Montenegrin citizenship**



out an identity card, so they were forced to this when they finally reached the window of MUP of Montenegro, they received the answer: “You received the ID in another country and thus interrupted legal permanent resident place in Montenegro. Now, you do not fulfill conditions for citizenship...”. While some citizens had such experience, the country decided to make preferential rules for some others. The law described them as “significant” for Montenegro. One of the ministers was supposed to write an opinion about someone’s importance for the country especially in the field for which its ministry was responsible, and that person, even if they did not fulfill all conditions, would receive citizenship from the minister.



It is important to mention that specific persons really deserved it: doctors, athletes, artists... However, there were people who have been granted citizenship for unclear reasons. Thaksin Shinawatra is the most mentioned person among them. There were no data that anyone gave opinion about him, only minister gave citizenship. Like Thaksin Shinawatra, some citizens received citizenship because of their special relationships with certain individuals in Montenegro, regardless of whether Montenegro benefited at all from their work.

Especially interesting is the regulation of MUP, which regulates that citizenship by marriage with Montenegrin citizen requires three years of marriage and five years of legal and continuous residence in Montenegro. Only at the window of the institution did people find out that, even when they fulfill five years and hope to receive citizenship, they actually need an additional five years, as the first five years are temporary legal residence, and they need five more permanent.

The Convention of the Council of Europe on Citizenship especially emphasizes privileged conditions for spouses, and one year ago a new document from the Parliamentary Assembly of the Council of Europe recommended to all countries that the requirement for residency should be five years for all citizens. Montenegro requires ten years for citizens who have privileged status according to the Convention. There is special treatment required for children from intermarriage; here, Montenegro functions differently as it is up to a child to decide between taking on the citizenship of the father or the mother.

*Debate in the Parliament to make this law fair for all citizens still continues, while we all hope for its harmonization with the European Convention on Citizenship. Still, it is impossible not to notice that discrimination and humiliation are the only feelings that each Montenegrin bears while facing this problem.*



## REHABILITATION AND EMPLOYMENT OF DISABLED PERSONS

## Objects in public use not adapted to persons with disabilities

Accessibility is the precondition for inclusion of persons with disabilities in society and it permeates through all other spheres of life. According to research on persons with disabilities and the Ministry of Sustainable Development and Tourism, no object in official use in Montenegro is fully adapted to persons with disabilities and is in accordance with accessibility standards that are prescribed by the Law on Spatial Planning and Construction and the Rulebook on Conditions and Manner of Adapting of Objects for Access and Movement of Persons with Disabilities. The first college adapted to the needs of persons with disabilities was the Faculty of Law in Podgorica (therefore the Faculty of Political Sciences) where a vertical hydraulic elevator was built according to valid European standards; a toilet for the needs of persons with disabilities, and an access concrete ramp and sloped sidewalks were built as well.



When it comes to the education system, introduction of inclusion resulted in changes in the manner of work with children for whom the inclusion was intended. They started to attend the regular system of education, and different systems of support change every year. An important segment of the rights of persons with disabilities is related to their right to make decisions on parenthood. The first empiric research on rights of persons with disabilities to parenthood was conducted during 2014. The goal of this research was to obtain a general picture about the achievements and experience of persons with disabilities in the role of parents and their needs.

### All rights guaranteed on the paper

At the end of 2007, the Government of Montenegro adopted the Strategy for Integration of Persons with Disabilities in Montenegro (2008-2016). This is the first strategic document that analyzed the current situation of persons with disabilities with the measures that had to be undertaken in order to improve the status of the above mentioned population. Two years later, the Convention of the United Nations on Rights of Persons with Disabilities was ratified. The goal of this convention is to promote, to protect, and provide full and equal enjoyment of all human rights and fundamental freedoms to persons with disabilities and to promote respect of their inherent dignity. Last period, national legislation was harmonized with the convention but there is a lot of space for harmonization and the biggest challenges are in law implementation.



## The first basketball game in wheelchairs

A friendly game between the Montenegrin and Serbian teams that was directly broadcasted on the second program of RTV Montenegro, took place in December 2014. This game intended to popularize the sport of persons with disabilities in our country and to emphasize abilities of persons with disabilities.

Photo: [www.vijesti.me](http://www.vijesti.me)



*Eight years ago, the account of the Budget of Montenegro – Fund for Rehabilitation and Employment of Persons with Disabilities was opened for payment of a special contribution for professional rehabilitation and employment of persons with disabilities. According to findings of the National Audit Institution, revenue from contributions for professional rehabilitation and employment of persons with disabilities was 36.5 million euros, from the beginning of 2009 until the end of 2014. According to annual reports of the Employment Agency, which this Agency submits to the Ministry of Labour and Social Welfare, 1.9 million euros was spent on rehabilitation of persons with disabilities from the establishing of the Fund in 2009 until the end of 2014.*

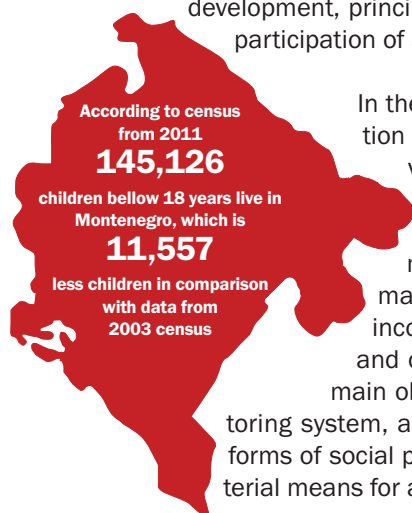
## LEGAL FRAMEWORK ADAPTED

## Systemic and coordinated implementation of adopted documents needed

Besides relatively long period when the whole social process and national order had different form, based on the new system of values and freedom of individual, there are still expectations that the access to implementation of adopted laws and strategic documents would be systemic and coordinated, which will contribute to better status of children in Montenegro. After renewal of independence, Montenegro filed succession statement in relation to the Convention on Rights of Children and Facultative protocols on 23 October 2006.



In accordance with this, new laws largely pass the control of harmonization with international but especially with the European legislation (Council of Europe and the EU). Analysis of new and innovated laws show progress in terms of creation of grounds for respect and protection of rights of children, but the concept of understanding of a child in accordance with the Convention did not come to its full potential in legislation of Montenegro. Generally, new laws enabled normative implementation of basic principles of the Convention: non-discrimination, principle of life and development, principle of the best interests of a child, and principle of active participation of a child in resolving of matters related to them.



In the previous period, significant number of strategies and action plans were adopted, which marked children as priority and vulnerable group whose needs and problems require timely and worthy reaction of the country. These strategies and action plans represent midterm and long term plan instruments for exercising of sectoral policies and make the summary of well projected activities. What concerns us is its incomplete and inconsistent implementation. System of social and children' protection is not at the necessary level, and the main obstacles: lack of specialized staff, poorly developed monitoring system, and assessment of social needs, lack of non-institutional forms of social protection of children, and as the general limit, lack of material means for adequate satisfaction of social needs.

## More boys in all municipalities

In most municipalities in Montenegro there are more boys than girls. In 2003, the biggest difference was in Kotor with 110 boys on 100 girls, while in 2011 there was even higher difference in Bar, Herceg Novi and Rožaje with 111 boys on 100 girls, in Danilovgrad and Berane with 110 and Budva, Kotor, Mojkovac and Podgorica with 109 boys on 100 girls.

Judging by the material investments, but more by reforms procedures education is the sector where progress has been made. Almost 3,802 children (5%) of primary school age, children do not attend school, while 5,313 children from 6-17 years old do not attend school also. According to census from 2011, 443 children aged 15-17 have status of active employment (actively looking for job and ready to start working if the job is offered to them in next two weeks), which represents 1.7% of all children that age. Out of this number, 58% are unemployed. Work of children in any form of grey economy is related to material status of family. However, under strong impact of solidarity of members of a family, this phenomena in Montenegro does not seem so difficult for social status of a child, except in parts of the Roma population, which mostly faces poverty and where the problem of children beggary is very emphasized. Study of the UNICEF is stating that every tenth child in Montenegro, up to 17 years old, has lived in poverty through 2009. Having in mind that poverty is more frequent and deeper trend among children, they are considered extremely vulnerable category.

Centres for social work in majority do not have accurate evidence on cases of child-begging. Children found beggng are more often male and aged 10-13. The biggest number of cases of minors' beggng, according to results of Ombudsman Institute from 2011, has been noted in Bar (37%), Berane and Andrijevisa (34%) and Podgorica (15%).

Problem of drugs and alcohol use is becoming serious problem that requires urgent reaction of both family and all institutions of the system. Research of NGO Juventas indicates that 84% of questioned has first time tried psycho-active substances when younger than 18, while 44% tried them when aged less than 15. Problem of availability of narcotics in school yards is being actualised lately.



► **Children of Roma population largely face with poverty**

*Observing the period from restoring independence until nowadays, there is some progress in the field of legislation in regard to respecting of rights of children in Montenegro. However, evident problems indicate necessity of taking more concrete step.*

## YOUTH POLICY

## Without the strategy, law, and concrete financial measures

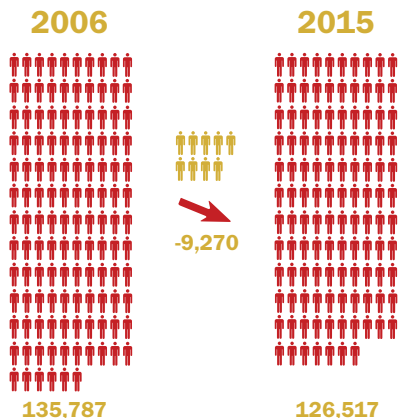


If we make the balance of development of youth policy ten years after restoring independence, data are as follows: Montenegro has no national youth strategy, Montenegro does not have Law on Youth and Montenegro does not allocate specific financial means for implementation of youth policy. Allocated funds are largely from foreign donors.

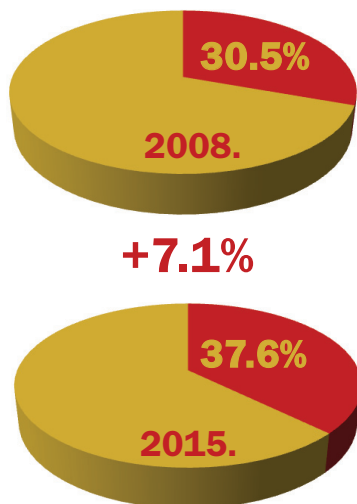
Everything is not that bad though, as there is specific development potential, which confirms the fact that, in a period from 2006 until 2011, Montenegro had a strategic document at the national level that was related to youth – National Youth Action Plan (NPAM). In implementation and development of this plan, Forum MNE (then Forum Syd) had an active role. On behalf of the Government of Montenegro, Youth Council that was established in 2007 and Youth Office that functions since 2009 are responsible for monitoring its implementation. Currently, Directorate for Youth and Sport (within the Ministry of Education) coordinates implementation of youth policy in Montenegro.



**Number of young people in Montenegro**



**Youth unemployment**



► **Source: Monstat**

Evaluation of NPAM<sup>4</sup>, that was published in March 2015, stated that NPAM, as the strategic document, had very limited impact in terms of prioritization and raising of youth issues in the focus of other resources. What especially concerns is the fact that the Youth Council, established by the Government of Montenegro, stated in its internal evaluation<sup>5</sup> that “because of lack of planning and estimation of real capacities of institutions that implement NPAM after its adoption, occurred vacuum and discontinuity in its implementation, or lack of mechanisms for overcoming of new obstacles.”

Not any document that is concretely related to youth policy has been adopted from 2011 until 2016, at the national level. At the end of 2015, the Working Group for Development of New National Strategy for Youth was established, and adoption of the strategy is expected at the end of the year.

Towards good quality of implementation of youth policy at the local level, NPAM required fast localization or development of local plans for youth action. International organizations recommend that except national, proactive youth policies should be developed at the local level. It was envisaged that local youth policies should respect recommendations of NPAM, but also specificities of the concrete community and needs of its youth.

*What especially concerns is the lack of legal regulations at the national level. The process of creating the Law on Youth started in 2012, when the Working group was established for development of a law, whose final draft passed public consultations until the end of 2014, when its adoption was planned. However, circumstances the public did not know lead to a situation where today, four years later, the same one is considered under parliamentary procedure at the Board for Education, Science, Culture, and Sport, and its adoption at the Parliament of Montenegro, proposed by this board, is still postponed.*

<sup>4</sup> Civic Alliance (2015), Consultations with youth and evaluation of the National Youth Action Plan

<sup>5</sup> Youth Council Montenegro (2011), Internal evaluation of work, Podgorica; consultations with youth and evaluation of NPAM

## JOURNALISM – ENDANGERED PROFESSION

# An atmosphere of impunity for assaults on journalists

Instead of celebrating, journalists in recent years see World Press Freedom Day as a time of mourning. Last year's World Press Freedom Day on May 3<sup>rd</sup>, Montenegrin journalists placed 114<sup>th</sup> on the world ranking list on media freedom. According to press the freedom index that published Reporters Without Borders, Montenegro is in the 106<sup>th</sup> position this year. Among European countries, only Macedonia and Turkey are ranked lower.

Still unresolved and numerous assaults on journalists and guardians of democracy largely contribute to these statistics. In February 2014, at the insistence of the international community, the Commission for Investigation of Attacks on Journalists and Media Property was established, in which participated representatives of the police, Prosecution Office, NGOs, and media. In January last year, the government extended the deadline for work of the Commission for resolving of attacks on journalists, but the mandate of the Commission ended and members did not get the opportunity to investigate all requested documents.

### Some of the cases of assaults on journalists in previous ten years

- ▶ **September 2007**  
Željko Ivanović, Director of daily "Vijesti" was beaten up near the restaurant "Ribnica" in Podgorica, after celebration of the tenth anniversary of this daily. The police arrested Radoman Petrušić from Nikšić and Mitar Blagojević from Foča. Both of them were firstly sentenced to several years imprisonment by the Basic court in Podgorica. Their sentences were later reduced to one year sentences.
- ▶ **November 2007**  
Two masked persons attacked journalist of Radio Berane and correspondent of daily "Republika," Tufik Softić, in front of his house in Berane, whose arms and head were seriously injured. Softić reported on organized criminal groups, and the perpetrators have never been found. The case has never been processed in court.
- ▶ **August 2009**  
Mihailo Jovović editor and Boris Pejović, photographer at daily "Vijesti," were attacked by Miomir Mugoša, former Mayor of Podgorica and his son Miljan Mugoša. Higher court in Podgorica confirmed the verdict saying that Mihailo Jovović, editor of the daily Vijesti, was released from charges on inflicting bodily injuries to Dragan Radonjić, driver of Miomir Mugoša. With the same verdict, Miljan Mugoša was found guilty for attack on Jovović and Pejović, four years ago. Younger Mugoša was sentenced to six months to two years probation by the verdict of a Basic court judge Nada Rabrenović, for the attack that perforated Jovović's ear drum. Miomir Mugoša was fined 400 euros for misdemeanor.

► **February 2011**

Olivera Lakić, journalist of “Vijesti,” after articles on a tobacco factory in Mojkovac, received by phone very serious threats. Until the end of January 2014, only Slavko Musić who was employed in this company, was convicted.

► **March 2012**

Olivera Lakić, journalist at “Vijesti,” was physically attacked while she was unlocking the door of the building in which she lived. Ivan Bušković was arrested for the attack, and was also convicted for violent behavior and sentenced to nine months in prison. Although Bušković was sentenced for attack on Lakić, the motive has never been determined.

► **August 2013**

One more attack on Tufik Softić, journalist at “Vijesti” and “Monitor,” when explosive device was thrown in the yard in front of his house. Perpetrators and conspirators have not been revealed.

► **December 2013**

An explosive device was thrown at the premise of daily “Vijesti,” under the window of the office of Mihailo Jovović, editor in chief, who was at the office in that moment. During the attack, 15 people were at the office. Windows of Jovović’s office were broken, but also windows of nearby offices, as the detonation was very strong. Marko Šofranac and Nemanja Vukmirović, were acquitted after the decision of Basic court judge Nenad Vujanović, for throwing explosive device in front of the office of the editor of daily Vijesti, Mihailo Jovović.

► **December 2013**

The vehicle of Darko Ivanović, journalist and editor in chief of TV show “Robin Hood,” was broken into in front of the building he lived in in Podgorica. The police arrested Robert Banušić who said after a month he had signed the confession under the influence of a police officer.

► **January 2014**

Lidija Nikčević, journalist of daily “DAN,” was beaten up in front of the correspondence office of “DAN” in Nikšić. In June 2015, Higher Court in Podgorica confirmed the verdict by which Željko Miletić, owner of the company for funeral services “Narcis” from Nikšić, Vukašin Đurđević, Milovan Gardašević, Zoran Abramović, and Vladimir Mitrović were punished jointly with 61 months imprisonment sentence or five years and a month for beating up a journalist.

► **February 2014**

The vehicle owned by Montenegrin daily “Vijesti” parked on Bulevar vojvode Stanka Dragojevića in Podgorica was burned. Gasoline was spilled over “Nisan” vehicle and then it was lit on fire. The front part of the vehicle burned.

In the fourth verdict in case of murder of editor in chief of daily DAN, Duško Jovanović, Higher court imposed a single sentence of 19 years in jail to Damir Mandić. Jovanović was murdered on 27 May 2004, in front of the office of daily DAN. It is still unknown who was at the vehicle when Jovanović was murdered, roles of people who organized the murder, and it is still unknown who ordered and for which reason killed the editor in chief of DAN.

*Journalists, researchers, and affairs initiators, and those who most directly contribute to the development of democracy with its stories and efforts, investigate and report in the atmosphere where the instigators of the attacks on them, are encouraged by the fact that a crime almost always remains unresolved.*



## “Seventh force” functions in conditions of fear and poverty

The most characteristic matter for Montenegrin media is mutual, constant war in which pro-governmental and media that call themselves independent try to reveal as much dirty laundry about their opponents, because they have not been competitors for a long period of time. Due to too much noise about their conflicts and hatred, it is not clear enough what happens in media in terms of relations among employees, but also in relations to standards and their respect.



According to data of Monstat, during 2014, 1,382 people were employed in media industry, but two years earlier this number was higher for 588 people. Meanwhile, daily Pobjeda was privatized, and was therefore “released” from half of employees, or more than 100 people. Dismissals were actual in private media. Some media started to work but were soon shut down (Blic Crna Gora). Previously, TV IN was shut down, owners owe wages to employees, and although they even have final court judgment, they cannot collect claims because there are not enough assets in the bankruptcy estate. TV Boka was opened and closed, and debts to employees still have not been paid. The situation is the same with Television Montena.

Research of NGO CEDEM from 2014 showed that the average salary of journalists in Montenegro was less than the national average of 470 euros. National average used to be 480 euros. During 2015, salaries were reduced in almost all redactions so it is obvious that this number is lower now. The research covered only journalists, who are better paid than photo-reporters, cameramen, and colleagues dealing with the technical aspects of the job and administration, meaning that the average, at the level of some media or overall activity, is surely smaller.

### Public Service employs almost 750 people

According to statements of Radovan Miljanić, former General Director of RTCG in July 2006, RTCG had 300 employees more, while professional and age structure was unfavourable. According to the new systematization, 320 job positions were envisaged to cover 684 executors, so the Management Board of RTCG allowed to the management to fire majority of employees. National Audit Institution stated in the Report for 2010, that the number of employees was 747, or 63 more in comparison with the systematization act. Nowadays, RTCG employs almost 750 people.



## No solidarity among journalists

Ni solidarnost (kao načelo profesije) nije jača strana. Rijetkost je da se ljudi solidarišu sa kolegama iz sopstvene redakcije, a gotovo da nije zabilježeno da se bilo koji oblik solidarnosti iskaže prema kolegama iz „konkurentskih“ medija. Izuzetak su fizički napadi kojima su novinari bili izloženi prethodnih godina.

Anyone who works and do its job, has to be paid for it. If this rule is respected in Montenegro, we would not be forced to owe even 12 salaries to employees in Radio Berane and Radio Ulcinj, or not to pay contributions on incomes to colleagues from TV Vijesti almost three years....or honoraria payments to correspondents of Pobjeda for 28 months.

*Lack of knowledge on fundamental employment rights and unconditional acceptance on their violation were some of the main motives for the establishment of the Media Trade Union in Montenegro. Although it is often believed that there is no solution, the solution is actually simple. We suggest what functions in every regulated country, and that is respect of legal solutions. Montenegrin media are not free and will not be as long as their employees work in conditions of fear and poverty.*



► **588 journalists lost their jobs from 2012 to 2014**

## Credibility of journalists relies on professionalism

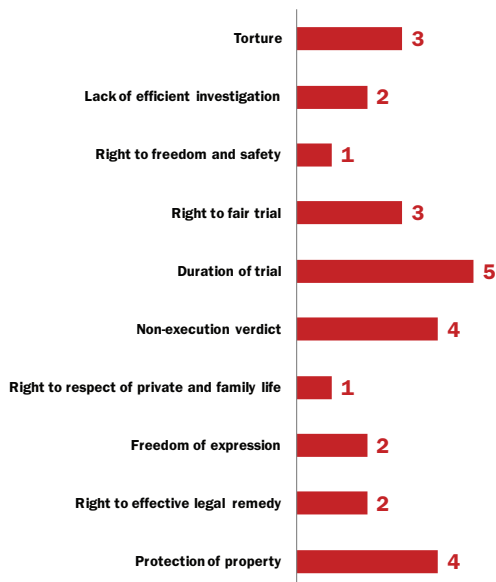
Although the innovated Codex of Journalists of Montenegro was adopted, its fundamental principles have been abused. The first Codex of Journalists was adopted in 2002, and after 13 years the working group that was composed of representatives of the Media Council for Self-Regulation, dailies “Vijesti” and “Dan,” and weekly “Monitor” finished the draft of amendments of the Codex that have come into force in 2015. Fundamental principle says that a journalist is in service to the public interest and that the credibility of a journalist and journalism in general is grounded in professional honesty, integrity, and knowledge. But fundamental principles of journalism are still abused in practice, starting from the presumption of innocence, lack of publishing of denials, and publishing of personal data of juveniles.

## EUROPEAN COURT FOR HUMAN RIGHTS

## Montenegro at the top in number of applications per capita

According to data of the European Court of Human Rights, Montenegro is near the top by the number of applications per capita. The report of the Court for 2015, stated that out of 47 countries, Montenegro was at the seventh position according to the number of applications per capita. The Court received 129 applications in regards to Montenegro in 2015, which was a smaller number in comparison with previous years. In 2013, the Court received 289 applications, which ranked Montenegro second place for the number of applications per capita. By the end of 2015, the Court had 171 applications in work against Montenegro. According to this data, we can make the conclusion that Montenegrins, among other things, did not have adequate court protection before national courts.

### Structure of verdicts for defined violations of the convention rights: (abuse of rights determined in 27 cases )



## AMENDMENTS TO SYSTEMIC LAWS

# Criminal Code amended eleven times

Since 2009 Montenegro has had six amendments to the Criminal Procedure Code, while Criminal Code has been amended eleven times since 2006. Frequent adopting of systemic laws indicates that legislators did not consider all the aspects at the time of development of legal solutions and that detailed analysis was not done. This includes additional financial costs for engagement of experts.

*It is very confusing for a judge who starts the trial with one legal solution, to follow more amendments until the end of a trial. At the end, this sends the message that, in this country, changing the law is easier than changing people.*



# THE COUNTRY: ECONOMIC POLICY

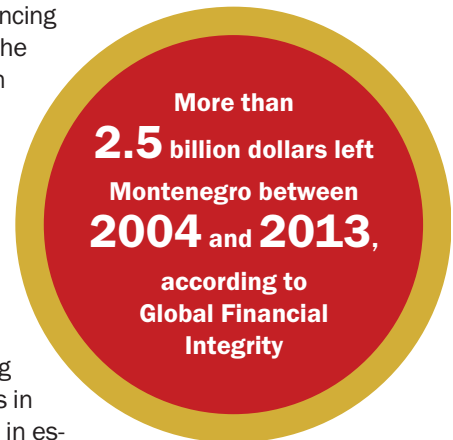


MONEY LAUNDERING AND FINANCING OF TERRORISM

# Inefficient financial investigations

Young countries without strong institutions are especially sensitive and subjected to money laundering. According to the report of the Anti-Money Laundering Index (AML Index) for 2015, which published International Center for Asset Recovery (ICAR), Montenegro placed 121st on the list of countries ranked according to the risk of money laundering and financing of terrorism. According to this report, our country is in the group of countries whose status significantly worsened in comparison with a year earlier. Countries where the situation worsened according to AML index were Guinea, Guatemala, Jamaica, and Montenegro. This index analyzed standards of the financial sector and transparency of public authority in 152 countries worldwide.

Last year's report of the Council of Europe Committee for Fight Against Money Laundering (MONEYVAL) pointed out to Montenegro the necessity of identifying legal and practical obstacles that obstruct investigations in money laundering cases and their processing, and also in establishment of efficient policy for proactive financial investigations.



**Money that left Montenegro**

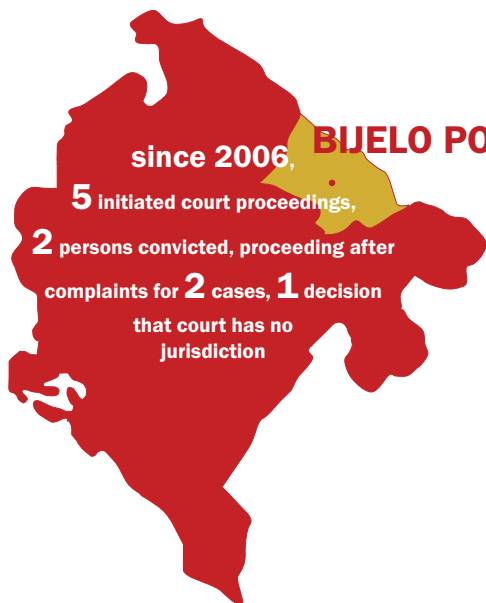


*In the last resolution on Montenegro, European Parliament expressed concern for a very small number of final verdicts for organized crime and cases of seizure of the property acquired by criminal acts. This document encourages stronger and better cooperation between judicial bodies and Public Prosecution Office, takes into account that the legal framework on money laundering was largely established, however, it invites significant improvement of relevant supervising framework and a rise of the number of investigations, punishment procedures, and final verdicts for money laundering.*

► Source: Global Financial Integrity



### Work of courts



## PROJECTS OF PUBLIC INTEREST OR...

# The country guaranteed for more than half of the billion euros

## Total issued guarantees

(data of the Ministry of Finances submitted to daily Pobjeda)



## Total sum of issued guarantees

(data from the annual report of the Government's Commission for the Control of National Assistance from 2014)



Between 2006 and the end of 2014, the country issued almost 613 million euros, 94 million dollars, and 87 million dirhams of United Arab Emirates (around 24 million dollars) worth of guarantees for state owned and private companies. Data from the Ministry of Finance indicates that, out of this amount, 184 million euros from the budget has been disbursed, excluding interest payments. Three years ago, the National Audit Institution stated in the Report on the Audit of the State Guarantees for 2010 and 2011, that the Government of Montenegro issued guarantees without detailed analysis of the financial position of companies, economic sustainability of the restructuring program, and without appropriate assessment of consequences that guarantee activating would have on the national budget.

- **It is evident that there are huge discrepancies in the official data the Ministry of Finances submitted to this daily and data published in the Annual Report for 2014 of the Governmental Commission for the Control of National Assistance. It's an open question to what extent this data was manipulated?**



► **Guarantees paid by the country from 2011 until 2014**  
(Source: Ministry of Finance)

Company	Amount in million €
Aluminium Plant Podgorica	126,0
Steel factory Nikšić	32,9
Pobjeda	7,2
Bauxite Mines Nikšić	5,5
Megalonia Primorka	4,5
Mi-Rai	1,7
FEP	1,7
Lenka	0,6

The National Audit Institution controlled all arrangements of the government that were higher than 10 million euros, which included Aluminum Plant (KAP), Steel Factory, Pobjeda, Railway Infrastructure, and Railway Transport. The country guaranteed this country and mostly and already paid loans in the total amount of 214.53 million euros, and according to the opinion of an auditor it was important to include guarantees that KAP had received in 2009, when the settlement agreement was signed.

The contracts then signed representatives of the Government of Montenegro, and Russian partner CEAC, and it envisaged issuing of five guarantees, out of which three were given the same year (49.6 million euros).

National Auditors assessed that three responsible entities – Ministry of Economy, Ministry of Finances, and Commission for the Control of National Assistance – did not assess appropriately the financial situation of KAP, Steel Factory, and Pobjeda, and did not sufficiently appreciate statements of commercial auditors.

According to the findings of the National Audit Institution, financial business indicators of these companies showed they were not capable of servicing loans appropriately from their own finance sources, and that their continuation of business was an issue.

*According to some media statements, the National Audit Institution examines if there were grounds for initiating criminal proceedings for this report of the supreme national audit, although the National Audit Institution equivocally indicated that guarantees of this company were not in accordance with rules, which resulted in payment of a couple hundred million euros of tax payers.*



**Last year guaranteed for 208.6 million euros**

Law on budget of Montenegro for 2015, the government planned to issue guarantees in the amount of 101.6 million euros. After the decision of the Government from September 2015, this amount rose to 208.6 million euros. According to Proposal of the Law on budget for 2016, the country planned to guarantee for up to 26 million euros loans.

## MANAGEMENT OF NATURAL RESOURCES

# How did the government approve concessions to a nonexistent company

According to the report of the National Audit Institution (NAI),<sup>6</sup> the public budget was damaged for five million euros during the period between 2009 and 2012, for the compensation for the use of properties of general interest and natural sources.

The National Audit Institution determined that concessioners of mineral raw materials in most cases did not fulfill duties prescribed by the Contract, while concession compensation was not remunerated for some of them for years. There were also cases when concession contracts were signed with companies that were not registered in both the Central Registry of the Commercial Court and the competent tax body, but also cases in which contracts were signed with companies that declared bankruptcy. NAI has concluded that the Ministry of Economy, as the surveilling body responsible for the control, did not keep the registry on requirements on this ground and that some contracts were terminated while concessioners did not pay outstanding debts. Concessioners of mineral raw materials owed to the country at the end of 2013 more than 728,000 euros.



► According to Monstat, more than 30 million euros worth of lumber was exported in 2015

<sup>6</sup> <http://www.dri.co.me/1/doc/Izvjestaj%20o%20reviziji%20-%20Prihodi%20budzeta%20Crne%20Gore%20po%20osnovu%20zaključenih%20ugovora%20o%20koncesijama%20za%20koriscenje%20prirodnih%20bogatava.pdf>

NAI specifically indicated on irresponsible and illegal managing of forests. The Audit confirmed that, during the period between 2007 and 2012, the Forest Administration illegally and in a non-transparent manner allowed the use of forests. NAI noticed that none of the controlled contracts on concession were protected by the guarantee, which is not in accordance with the Law on Concessions.

“The audit determined that the government gave its consent for the concession on the use of forests before official establishment and registration of the company ‘Vektra Jakić’ – Pljevlja and publishing and deciding on the case bid,” stated



Photo: [www.javniservis.me](http://www.javniservis.me)

► **Dragan Brković, owner of the company “Vektra Jakić” received an ungrounded waiver in the amount of more than 1,670,000 euros for concession fees for forest exploitation.**

the report of the National Audit Institution. The contract with this company has more “annexes,” which define duties of concessioners, while the audit determined that these documents did not have dates, that they were not verified or signed by any side, and were not filed. The Administration for Forests changed “annexes of contracts” several times and reduced decisions on calculated concession fees without explanation. The calculating of the concession fee was illegal, in some cases retroactive, so duties were reduced for concessioners during the period between 2007 and 2012, from more than a 1,742,000 euros. Out of this amount, more than 1,670,000 euros was illegally forgiven to “Vektra Jakić.” Although this company did not pay even one rate of the concession compensation for a period of three years, the Administration for Forests did not initiate the proceeding for revocation of the concession.

In 2012, contracts were signed to give the forests for use to companies that did not respect previous contracts and companies that had accumulated losses and debts to the country.

*Forest concessioners owed more than 4.5 million euros at the end of 2012, according to data from the Tax Administration, while this amount was more than 18 million euros last year. As stated by the Tax Administration, 11 million euros probably would never be paid. According to information from media, the Special National Prosecution Office is currently dealing with the report of the National Audit Institution and with the manner of allocation of concessions.*

## MANAGEMENT OF NATIONAL FINANCES

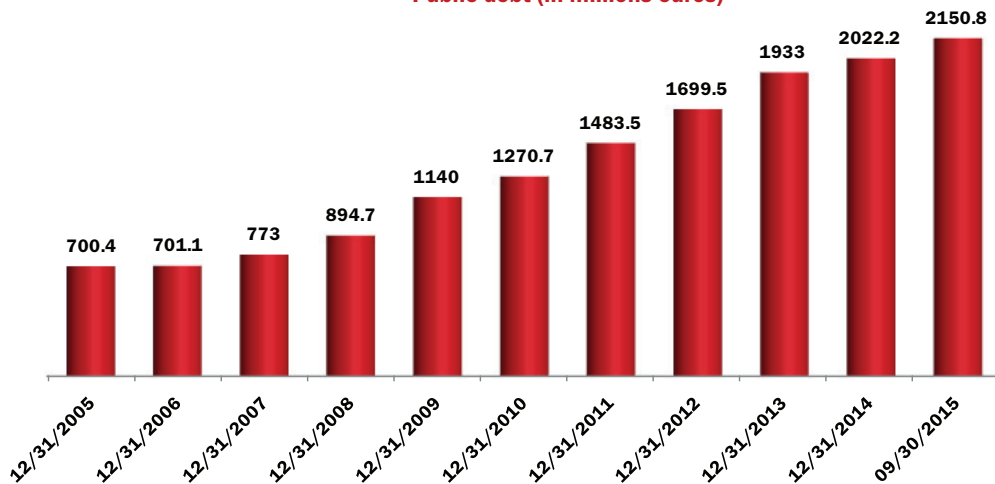
## For ten years, public debt three times higher

According to the Government, the public debt of Montenegro (without 315 million euros of the country's guarantees) was 2.34 billion euros, or 64% of the GDP.

The structure of public debt does not contain debt of municipalities, which was 166.9 million euros at the beginning of 2015. In addition, estimates indicate that the construction of the first part of Bar-Boljare highway will be 1.167 million euros. Out of this amount, currently, only 188.8 million euros has been contracted, or only the fifth part of the overall credit for the highway.



Public debt (in millions euros)



► Source: Ministry of Finances

## Tax debt doubled

At the end of 2005, the tax debt was 258.8 million euros. At the time of the restoration of Montenegro independence, this debt increased by more than 76 million and was 334.9 million euros.

The latest data on tax debt, from the beginning of 2016, indicate that this amount is more than 541 million euros.

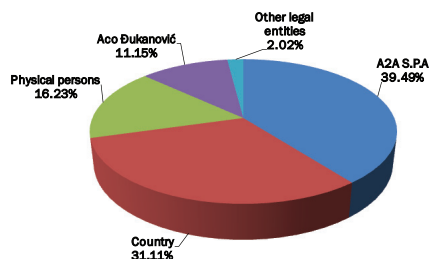
According to the National Audit Institution at the end of 2014, tax debt was 720.1 million euros. This amount does not include debt of public bodies – 85.9 million (due to subscription because of the wrong payment of the national treasury), reprogram from 2003 – 25.97 million euros, deferred payment 39.9 million, unrealized redirection 8.5 million, and legacy of debt of the National Ministry of Defense 8 million euros. Supreme National Audit stated that it could not be sure about accuracy of data about the structure and the total amount of tax debt at the end of 2014 because the record of duties related to tax debt was not unique and sufficiently updated.

### Millions profits of tax debtors

According to Tax Administration data from April 2016, overall tax debt of the company Pljevlja Coal Mine (“Rudnik uglja - Pljevlja”) was 12.2 million euros. According to data about the business that was published on the website of Montenegroberza, profit of this company in 2015 was 4.92 million euros.

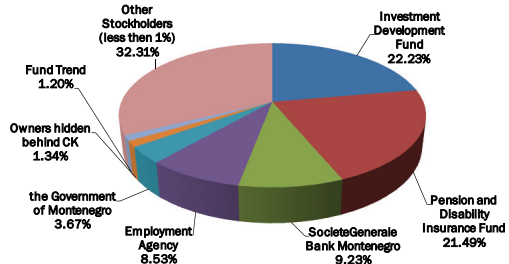
Even the company “13 jul, Plantaže”, Podgorica, completed last year with the net income of 1.61 million euros. At the same time, its tax debt is 3.2 million euros.

#### Ownership structure of Pljevlja Coal mine



► Source: web site of Pljevlja Coal mine

#### Ownership structure of Plantaže



► Source: Central Depository Agency

### Tax debt and income tax from and on personal incomes

Name of the company	Debt in euros	Responsible persons
AD Montenegro airlines	12,367,582	Daliborka Pejović, President of the Board of Directors
AD Radoje Dakić	9,079,001	deleted from CRPS-a
AD Railway infrastructure Montenegro	3,444,300	Žarko Šturanović, President of Board of Directors
AD Željeznički prevoz Crne Gore	2,778,849	Dušan Radonjić predsjednik Odbora direktora
AD 13 - jul Plantaže	2,720,478	Veselin Vukotić Preident of Board of Directors
AD Tara - precision works, Mojkovac	1,700,974	deleted from CRPS
DOO Galenika Crna Gora	1,599,530	Nedeljko Pantić, President of Board of Directors
AD Bjelasica Rada - Bijelo Polje	1,533,116	Boiša Šotra - President of Board of Directors
DOO Work Finder	1,520,641	founder Kadri Hadžilari
AD Maintenance of railroad stock	1,498,059	Momčilo Mićunović, President of Board of Directors
AD Luka Bar	1,221,115	Predrag Ivanović, President of Board of Directors
DOO Tehnopot	1,180,883	Saša Aćimić, founder

### Debt based on unpaid value added tax, on income, real estate transfer, concessions, and excise tax (in euros)

Name of the company	Debt in euros	Responsible persons
DOO Ave Maria Koljčević	7,051,707	Miloš Živaljević, founder
DOO Mercur Budva	4,443,465	Milan Mrvaljević, founder
DOO Vektra Montenegro	4,210,170	Dragan Brković, founder and President of Board of Directors
DOO Tehnopot	2,853,123	Saša Aćimić, founder
AD Mercur system	2,608,498	Stevan Čenić, President of Board of Directors
DOO Vektra - Jakić	2,533,465	Dragan Brković, founder and President of Board of Directors
DOO Džemo	2,194,781	Branka Otašević, founder and Executive Director
DOO Mercantura	1,753,838	Predrag Bulajić, founder and Executive Director
Emona Stambena zadruga Budva	1,405,371	Ljuboje Martić, person authorized for representation
DOO Astra Montenegro trade	1,399,234	MAIONIA MARINE INC, SCOFIELD LLC, founders
DOO M & P Engineering	1,243,586	Milan Pribić, founder
DOO "Monterra Construction"	1,227,022	ROXBURGH BUSINESS INC. LIMITED, founder

► Sources: Tax Administration and Central Register of the Commercial court, April 2016

## MANAGEMENT OF THE STATE FUNDS AND PROPERTY

A large problem in Montenegro nowadays is the manner of functioning of public enterprises that inherited a manner of management from the period of transition during the nineties, when transparency and public work almost did not exist, and the level of misuse of job position and public resources reached its peak. The next examples of the functioning of public enterprises are the models by which most of them function today, by which, despite failure to comply with the law, such acting does not imply any responsibility. This depicts a lack of power of Montenegrin institutions in the best manner.

# Public enterprise National Parks spent without documentation and without control

The National Audit Institution gave a negative opinion on the finances and audit of regularity of the annual financial report of the public company, National Parks of Montenegro, for 2014, and defined that this company presented data through this report that did not match with the real situation. National Parks of Montenegro showed almost 159,000 euros less cash during 2014 and 1.7 million less capital value. The largest problem was treasury operation, especially in National Park Durmitor and NP Biogradska Gora, where it was revealed that the Law on Prevention of Illegal Operations was not respected in specific cases and that the full amount of payments was not paid via accounts and that there were no internal controls of treasury operations. The National Audit Institution made a record 50 recommendations in the report to Public Enterprise National parks, 13 related to income statement, nine on internal control and accountant system, eight on treasuries, five on employment and procurement, four on balance sheet, and two on financial reports, business expenses, and trials.

### More than 15,000 euros justified by non-fiscal receipts

The national enterprise National Parks justified expenses with non-fiscal receipts: fuel – 4,200 euros, transportation costs – 2,409 euros, representation costs – 3,837 euros, equipment maintenance – 881 euros, office material – 418 euros, hygiene material – 672 euros. Payments based on non-fiscal receipts without data on type of goods were 2,822 euros.



## Employment of people not in accordance with the law

This public company made unacceptable breach of the law while employing people. In cases of 12 employees it was determined that the company failed to act in accordance with Article 16 of the Law on Labour, which provides that “an employment contract may be concluded with a person who fulfills general conditions stipulated by this law and special conditions prescribed by law, other regulations and systematization act,” and which is related to possession of evidence on general abilities, required work experience, or written confirmation of work experience, a certificate on finished education, or appropriate qualifications, knowledge of English language, computer skills, etc. The company paid by cash, based on the five service contracts, the amount of 1,550 euros. The company made service contracts for works under its competences, which is contrary to the provisions of regulations governing labor relations, and to the Law on the Prevention of Illegal Business and the Rulebook on the Cash Business.

2014	Real costs defined by National Audit Institution	Expenses presented by National Parks
Statements on changes in equity and reserves	2,563,840 euros (60% of stated)	4,266,430 eura
Values of enterprises' means	NAI did not receive explanation for difference of 16,926 euros	2013 – 1.5 million euros 2014 – 1.48 million euros
Report about the cash flows	317,606 euros (double)	159,033 euros
Cashbook / cash payments in the name of personal incomes of employees	NAI registered the amount of 21,604.91 euros for which did not exist adequate documentation explaining the payment and money flow	106,334 euros
Cashbook / cash payments for other fees	No additional documentation for payment of 3,131 euros. Payments in the amount of 2,944 euros were made only according to lists or documents without additional acts (Decisions) of the director, which approve mentioned payments	8,654 euros

► **Source: the Report of National Audit Institution**

*According to the above mentioned, competent collegium of National Audit Institution, gave negative opinion on financial audit and audit on regularity of annual financial report of the Public enterprise National parks of Montenegro for 2014. At the end of last year, Special Public Prosecution Office formed the case for operating of National parks of Montenegro, and according to the report of National Audit Institution. The case is in investigating phase, according to the latest available data.*

# Misuse of public enterprise “Airports of Montenegro”

Public companies irresponsibly use money. Huge amounts are often spent without being justified with appropriate documentation; balances and the money in the treasury usually don't match due to cash transfers that are huge and are not in accordance with regulations that define management of these companies. However, one of the largest problems the country does not appropriately fight is the system of procurement. Work of the public company, “Airports of Montenegro,” where the National Audit Institution found a number of flagrant violations of Law on procurement, is the best example.

Audit of work of this company determined facts in implementation of procurement procedures that were common for most procedures, which describe general access to procurement implementation based on wrong premise. The Commission for Opening and Evaluation of Offers was formed after a public call, which was not in accordance with the law. This has been determined in six public procurement procedures. In this part, the law is quite clear and it has been explained that the Commission prepares and implements the procurement procedure, meaning that the Commission is obliged to tender documentation and an invitation letter for public procurement. This company made public procurement contracts before the deadline for submission of offers, which was also opposite to the law. Such actions was registered in three cases of public procurement.

According to NAI, during 2008, airports made the procurement for two airstrip cleaners. The decision on tender was made at the end of 2007, and the tender was published on 22 January 2008. The public procurement plan for 2008 was registered in the archive on 30 January 2008, which clearly indicates that the invitation was published before adoption of the public procurement plan for that year, which was the opposite of the law. This company has also leased office space for a one year period, where the invitation did not state the estimated lease price at the monthly level, and the assessment value of the whole procurement had to be mentioned. For this matter, the Directorate for Public Procurement did not give consent for annex of contract with the contractor, which happened anyway. In this manner, the law was drastically misused.

NAI stated that work on reconstruction and adaptation of the old building at the Airport in Podgorica cost citizens even 24.9% more than the value stated in the contract. The value that was agreed after the public procurement procedure was 3.8 million euros, but at the end, the project cost 4.7 million euros. The planned value of the project was 3.5 million euros.

The law prescribes an obligatory Feasibility Study for this capital investment, but such an analysis does not exist in this case. Even the consent of the Directorate for Public Procurement to conclude the annex with the contractor did not exist, which was a serious abuse of the law.

Work on enlargement of the platform for general aviation at the airport in Tivat, was the case of public procurement in 2008. These works cost citizens 244,000 euros, which was more than agreed. The agreed value for these works was 1.9 million euros, but finished works cost 2.2 million euros. There was no annex of the contract for exceeding value, which was contrary to the Law on Obligations and Law on Public Procurement.



*After the report of the National Audit Institution, internal procedures for defining of responsibility were not initiated and the Public Prosecution Office did not initiate the procedure for questioning the existence of criminal acts. Such acts of competent bodies actually tolerate irresponsibility and abuse, give them legitimacy and encourage every future and similar acts in the work of public companies.*

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## **Best man's monopolistic enterprise does not pay obligations to the country**

Enterprise "Pomorski saobraćaj" from Kamenari, which holds the monopoly at very frequent ferry line Lepetani-Kamenari has been privatized and sold. The company of Duško Ban (very close friend of Milo Đukanović, Prime Minister of Montenegro), ProHouse is owner of majority of the company. Remaining part or 33,42% belongs to Duško's brother, Dejan Ban, Executive Director of the company. After conducting the audit in 2010 of the public company "Morsko dobro" (JPMD), National Audit Institution (NAI) noted that the Appellate Court of Montenegro rendered the verdict (27 November 2011) following the complaint of JPMD, obliging the "Pomorski saobraćaj" to respect provisions of the contract from 2004. The contract implied monthly submission of accounts, so that JPMD can determine compensation for the use of coastal zone (4% on achieved revenues). This obligation is related to period since the beginning of 2006 until expiration of the contract at the end of 2018. "Pomorski saobraćaj" fails to respect decision of the court, and JPMD at the end of each year submits invoices to this company in the amount of paid compensations during the year, which is then being verified by the Managing board of the JPMD. National Auditors were sceptic about the model and amount of AD Pomorski saobraćaj payments. NAI indicated that Managing board of JPMD should undertake all activities and measures prescribed by the law, so that "Pomorski saobraćaj" would respect the verdict of Appellate court. According to standpoints of the JPMD Legal department, court trials that took place after complaints of JPMD for the debt that arose from the contract were more obvious in terms of its final outcome.

## Privatization paid by citizens

Aluminum Plant Podgorica (KAP) was sold in 2005, for 48.5 million euros to the offshore company Salomon Enterprise that was under majority ownership of tycoon Oleg Deripaska. Russians undertook KAP and four years later, after their management, the settlement contract was signed, by which the government guaranteed KAP for almost 130 million of credit. The Government of Montenegro gave subventions for electricity to Russian partners for 60 million and reprogramed tax and contribution debts, 8.8 million euros. Guarantees fell and, using taxpayer money, in 2013 and 2014 was paid the overall amount of 126 million euros to Deutsche, VT, and OTP banks. The Parliamentary Commission for monitoring of privatization procedure concluded that the reasons for unsuccessful privatization of KAP, besides inappropriate governance and economic crises, were illegal contracts on buying and selling of shares and settlement.

During this period, when the contract on debt settlement of KAP was signed, they reached the level of more than 350 million euros. Russians left the factory after the bankruptcy in 2013, and initiated two arbitrages where the request for damage was 910 million euros.

- ▶ **Last year in February, Ranko Krivokapić, President of the Parliament of Montenegro, said that KAP was damage through which 800 million euros of national money disappeared**



At the  
end of the 80s KAP  
employed up to  
**5,300**  
people, while the plan of  
new owner is to keep  
**300**  
people

KAP was sold again in 2014 for 28 million euros to Uniprom from Nikšić, whose owner is Veselin Pajović, although its primary estimated value was more than 50 million euros. Uniprom declared the condition that the price of electricity should not be more than 38 euros per megawatt hour, with the transfer costs, and that this should not be changed in the next five years. According to some media statements, only in 2013, five criminal charges were filed against Pejović for threatening attempts and extortion.

At the time of the Russian management of the company, almost four months, with the assistance of Montenegrin electric transmission system, KAP illegally used the electricity from the European interconnection. This happened because Electric Enterprise (EPCG) stopped electricity supplying because of the debt of 44 million euros. Theft of electricity cost Montenegro almost seven million euros. Besides this, it cost Montenegro its international reputation because the Energy Community indicated that such treatment was “the real crime that has not happened since the Second World War.”

*In the last Resolution on Montenegro (March 2016), the European Commission “encourages initiating of full and independent financial audit of KAP, since the moment when it was taken over by CEAC until today.”<sup>7</sup>*



► **“Privatization of the century” as representatives from the executive power named selling of this company in 2005, soon became a nightmare of all Montenegrin citizens**

<sup>7</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2016-0092>

## INTERNATIONALLY PROTECTED AREA

## Systematic destruction of the factory “Bajo Sekulić”

Ulcinj Salina belongs to the group of the largest Salinas on Mediterranean. In the last 15 years, Ulcinj Salina is the focus of ornithology research that clearly indicates that this area represents an important environment for birds on the east coast of Adriatic, for both nesting and wintering, and also for landing during their migration in Africa and vice versa.

Ulcinj Salina is an ideal example of synergy of economic use of space (production of salt) and nature protection, and example of a sustainable production factory, based on impact of sun and wind, which enables survival of birds at this territory. For its importance for its list of birds, this area of exquisite values is recognized by strategic documents as potential internationally protected area, which attracted attention of the international community, more precisely, the attention of the EU and a campaign for protection improved with participation of Germany, France, Poland, and other embassies that have recognized the importance of this space for the biodiversity of the whole Europe.

The Municipality Ulcinj waits for the consent of Ministry for Sustainable Development and Tourism, so that Salina could be officially proclaimed as a “nature monument” at the next parliamentary session, which was specified by the Law on Protection of Nature. However, this ministry plays the double game, primarily due to the fact that the territory of Salina was appointed for this year’s Venice Biennale, at the moment when needed consent was expected, but also due to the fact that almost at the same time the Constitutional Court rejected the decision of the Montenegrin Parliament from 2012 about the protection of Salina. Line ministry actively sabotages efforts for formal protection of Salina by international documents and proposes plans where Salina is “already” private property (assumed attitude in the text part of the Book 2 Draft of the Spatial Plan of special purposes for the coastal area – PPPN OP). According to publicly available data of Ulcinj land-registry, the territory of Salina has been registered as public property, where “Bajo Sekulić”, a bankrupt company, only has the right to use it. This company has received the right to use the territory of Salina, according to concessions for exploitation of salt, which have not been restored for a couple of years, and salt was not exploited.

The government already has prepared a decision on the confession that 800,000 euros market compensation was paid for 15 million square meters at the coast, the land of Salina at the time of privatization. Adopting of this decision at the Council for Privatization (whose President is Milo Đukanović, Prime Minister of Montenegro), would result in confessing that Eurofund paid market compensation for the control package of shares of Salina. This would allow Prva banka to activate its mortgages, and its owner Aco Đukanović (Prime Minister’s brother) to come into possession of worthy property.





► **In 1989, Salina was recognized as an internationally Important Bird Area (IBA)**

With such an decision, the Council for Privatization plans to verify one of the largest robberies of public property in the history of Montenegro. Decisions of the Constitutional Court, Line Ministry and Council for Privatization show up to the extent public institutions are subjected to private interests. Development of the plan document itself is the conflict of interests. Namely, through the Ministry, the government confessed development of PPPN OP to the consortium of companies, including the private company Republic Bureau for Urbanism and Projecting (RZUP), owned by Aco Đukanović.

If the protection of Ulcinj Salina is the primary goal of the Government, which has constantly been indicated to the public, the question is: why does the draft of PPPN OP envisage probable development of the touristic capacities of almost 1,500 beds on 70 hectares, and where this space is and why unanimous standpoints and conclusions of Municipality Ulcinj have not been adopted for such a long time?

On lack of harmonization and disagreements within the Draft PPPN OP indicated recommendations given in the document, Strategic Assessments of Impact: “Our recommendation is that these two localities (Tivat Salina and Ulcinj Salina) should be excluded from urbanization projects because of their specific habitat and specific diversity...”

The extent of criminal activities best describes information that the highest credit, or 3 million euros, guaranteed by the public property was not even paid to “Bajo Sekulić” company, but was directly transferred to the account of the company “Flash” in Podgorica, which owned part of the shares in Salina. This credit was approved by Prva banka, which was represented in that job by Jelica Petričević, former Deputy General Director and on behalf of “Flash,” the contract was signed by one of its founders Bećir Perazić. “Flash” was founded by the company “Absolute” from Bar, jointly with the Prime Minister’s friend Veselin Barović, Bojša Šotra, and Zijad Blekić. Beside Perazić, this company was founded by Vlatko Aprcović, and Cayman offshore company “Balkan Investment Management Limited,” whose ownership is unknown. According to data from the Centra Registry of Busines Entities, “Flash” and “Absolute” were deleted, which makes the destiny of the land of Salina that is under mortgage even more uncertain. Bearing in mind that this is related to 15 million square meters of national property at one of the most attractive locations on the coast, there is so little space to doubt that Mićo Orlandić, former Director of



Real Estate Administration, had information on what was going on in the regional unit of land registry in Ulcinj. Even though the seventh credit was taken on account of public property, Orlandić did not undertake any measures in order to prevent abuse of the law and the jeopardizing of public property.

Recently, nongovernmental organization Network for Affirmation of Nongovernmental Sector (MANS) filed criminal charges against Orlandić and Dževdet Čaprići, current head of the land-registry, function he has performed since 2002, when he became a member of the Municipal Board and Executive Board of the ruling Democratic Socialist Party (DPS) for Ulcinj; Jelica Petričević, former Deputy of Director General of Prva banka CG, Dragan Đuranović, employees at Crnogorska komercijalna banka (CKB); and Veselin Barović, Bojša Šotra, Zijad Blekić, Bećir Perazić, and Vlatko Aprcović, founders of companies Flash and Absolute. In a period between 2005 and the middle of 2008, mentioned persons signed or facilitated signing of several harmful loan contracts where the state property has been illegally used as collateral. Worthy of note, this state-owned property has been assigned to „Bajo Sekulić“ company for use only, not placed under its ownership.

*According to the report of the European Commission, opening of Chapter 27 depends on how the Government of Montenegro will treat the protection of Ulcinj Salina. They indicate, on the fact that Salina should be revitalized, that the production of salt was the only purpose of this area and the only sustainable protection, the protection of European biodiversity.*

<b>2000</b>	Value of Salina Bajo Sekulić was 110.3 million of Deutsche marks or 55 million euros.
<b>2005</b>	Eurofond (Veselin Barović) bought an initial package of shares for almost 800,000 euros, and the process of systematic demolition through harmful business moves and credit loans.
<b>2005 - 2006</b>	On behalf of Salina, three credits were taken from CKB, with the total value of more than 500,000 euros.
<b>2005 - 2009</b>	Several allotments of company shares took place after which the share of Eurofond increased to 75% with overall income of almost 6 million euros – this income was not used for investments but was spent inappropriately. New owners put almost all property of the company under the mortgage, including the land over which they do not have right to ownership.
<b>2007 - 2008</b>	Contracts on placing the public property under mortgage for four more credits from Prva Banka, worth 4.7 million euros, were signed. Credit contracts and mortgage contracts were verified by Ulcinj land-registry without problems.
<b>2012</b>	First advertisement for sale was published in January. Property of Salina was offered for the initial price of almost 257 million euros.
<b>2014</b>	After 80 years of active work, Salina stopped the production of salt and 450 to 600 job positions were abolished.
<b>2015</b>	The last advertisement for sale was published, to which no one responded. Salina was offered for 149 million euros.

## SALES OF STATE PROPERTY

# 85% of state owned companies are privatized

According to the privatization plan from 2006, the “fundamental aim of privatization is to increase competitiveness and functional efficiency of companies, to stimulate foreign investments in all areas, to increase employment and to improve living standard.”

We were not able to find the accurate data on the number of state-owned companies before socio-economic transition and today. The data from the privatization plan from 1999 indicate that planned mass-voucher privatization would involve 226 companies in total and part of the properties of 53 companies. Between then and 2015, about 85% of state owned companies have been privatized, including 100% of banking, telecommunications, and oil distribution.

In a three-year period (2006-2009) 49 state owned companies went bankrupt (73% from North of Montenegro). Only 38.5 million euros have been acquired through selling of their properties, out of which four hotels of HTP “Ulcinjaska rivijera” were sold for 21.99 million euros.

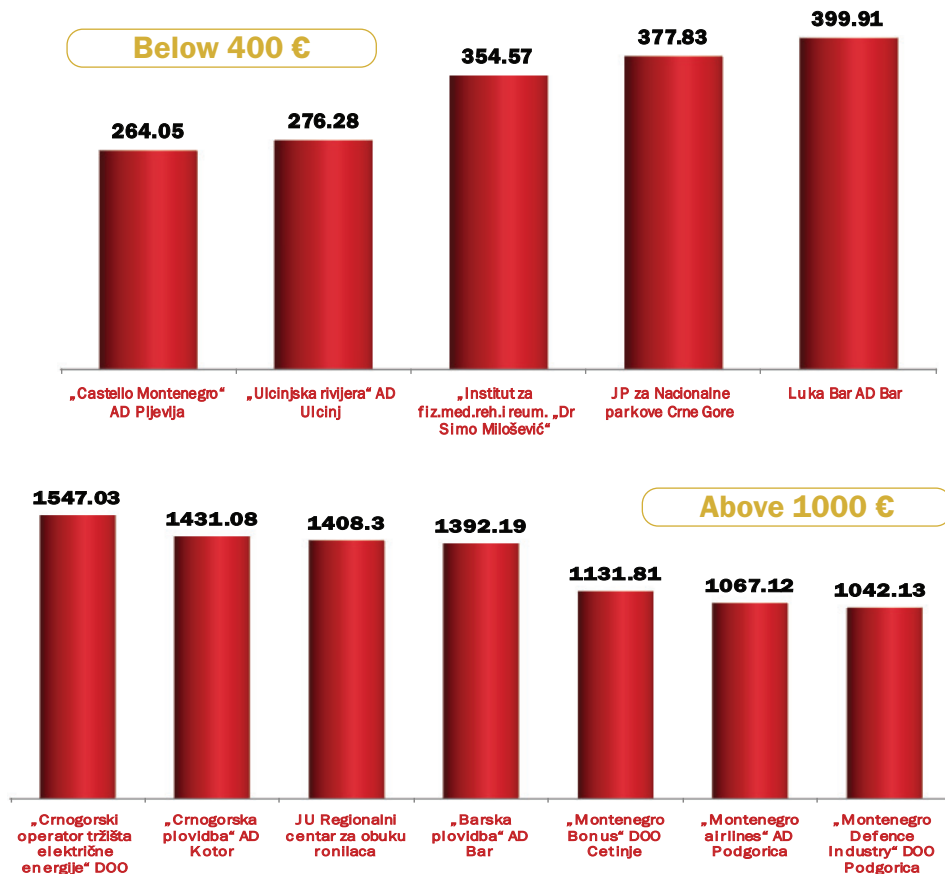
According to the plan of internal re-organization of the public sector from 2013, “one of the key characteristics of companies majority-owned by the state is that they are mainly producing losses, that majority has excess staff, and that the average salary, particularly in management structures, is higher than the average in state administration – central government”. The same document notes the existence of six public institutions, four public companies, seven limited liability companies, and public service TV that all together employ over nine thousand people. This list does not include EPCG (Electric Enterprise AD Nikšić), even though this company is still majority-owned by the state.

### **Without responsibility of bankruptcy administration**

The position of bankruptcy managers was not professionalized, so the individuals taking this role in companies undergoing bankruptcy were those who had passed the professional exam for working for the state but were professionally and permanently engaged in other positions. There is no publicly known case in Montenegro in which any bankruptcy manager was investigated by the prosecution and police or prosecuted in the courts for illegal work. At the same time companies undergoing bankruptcy were in majority ruined, their properties were sold, and employees are still looking for missing payments and their employment status is not connected, so they can't fulfill their right to pension.

<sup>8</sup> <http://www.forbes.com/places/montenegro/>

## Average salary in state owned companies



► Source: The Government of Montenegro – plan of internal reorganization of the public sector, 2013

### Continuation of sales

According to the privatization plan of 2016, the actions and property of nine companies are planned for sale through public tenders, as well as the valorization of 31 tourist localities or companies through public-private partnership, as well as stock market sales of eight companies' actions owned by the Employment Agency of Montenegro, Pension Fund, and the Investment-Development Fund.

### Council for Privatization

President	Number of members	Secretary	Year	Report of work of Council	Income from privatization (in euros)
Milo Đukanović	11	Vojin Vlahović	2006	YES	79.7 million
Vujica Lazović	14	Vojin Vlahović	2007	YES	60.9 million
Vujica Lazović	14	Vojin Vlahović	2008	YES	11.5 million
Vujica Lazović	15	Vojin Vlahović	2009	YES	213.5 million
Vujica Lazović	15	Vojin Vlahović	2010	YES	6 million
/	/	/	2011	NO	/
Milo Đukanović	/	/	2012	NO	/
Milo Đukanović	17	Aleksandar Ticić	2013	YES	15.5 million
Milo Đukanović	17	Aleksandar Ticić	2014 (july-dec)	YES	0.5 million
Milo Đukanović	/	/	2015	NO	/

### Once profitable, now completely (or largely) destroyed company in Montenegro

- ▶ Vunarski kombinat "Vunko"
- ▶ Konfekcija "Jekon"
- ▶ Fabrika obuće "Lenka" i "Mladost"
- ▶ Metalska industrija "Imako"
- ▶ Vojna fabrika "Prva petoljetka"
- ▶ Prehrambeni kombinat "Bjelasica"
- ▶ Fabrika mineralne vode "Rada"
- ▶ Transportno preduzeće "Transservis"
- ▶ Građevinsko preduzeće "Radnik"
- ▶ Drvni kombinat "Špiro Dacić"
- ▶ Pogon "Polipak"
- ▶ "Obod" Cetinje
- ▶ "Košuta" Cetinje
- ▶ IGM "Radoje Dakić".
- ▶ "Celuloza" u Beranama
- ▶ Fabrika kože "Polimka"
- ▶ Fabrika za proizvodnju guma "Guminig"
- ▶ Cigлана na Rudešu
- ▶ "Gornji Ibar" Rožaje
- ▶ "Velimir Jakić" Pljevlja
- ▶ "Titeks" u Podgorici, Murini i
- ▶ Fabrika za proizvodnju elektroda Plužine
- ▶ DP "Vukman Kruščić" Mojkovac
- ▶ Fabrika "Vukman Kruščić", Mojkovac
- ▶ Rudnik Brskovo
- ▶ Željezara Nikšić
- ▶ Fabrika alu-čeličnih užadi FAK Kolašin
- ▶ Javorak Nikšić,
- ▶ Građevinsko preduzeće Nikšić,
- ▶ Rudnici boksita Nikšić,
- ▶ Autoprevozno Nikšić,
- ▶ HTP Onogošt Nikšić,
- ▶ Solana "Bajo Sekulić" Ulcinj
- ▶ "Prvoborac" Herceg Novi
- ▶ Mljekara Podgorica
- ▶ Duvanski kombinat, Podgorica
- ▶ "Marko Radović" Podgorica
- ▶ Kombinat aluminijuma Podgorica
- ▶ "19. decembar" Podgorica
- ▶ "Gorica" Podgorica
- ▶ "Elastik" Podgorica
- ▶ Termovent
- ▶ Šuplja stijena
- ▶ Optel
- ▶ Građevinar Pljevlja,
- ▶ Velimir Jakić
- ▶ Ugostiteljstvo Pljevlja
- ▶ Gornji Ibar
- ▶ Šumarsko preduzeće Rožaje
- ▶ Rotex (Titex) Rožaje
- ▶ Ski-centar Bjelasica
- ▶ Impregnacija drveta
- ▶ Ski-centar Durmitor
- ▶ Vukman Kruščić
- ▶ Trgopromet Cetinje
- ▶ Košuta Cetinje
- ▶ Tara Cetinje
- ▶ Riviera KotorIbarmond
- ▶ Kristal
- ▶ Dekor
- ▶ Famod Rožaje
- ▶ Livnica Nikšić...



▶ Source: U.S. Department of State 2015 Investment Climate Statement, June 2015

## NEOLIBERAL ECONOMIC CONCEPT

## The import dependent country

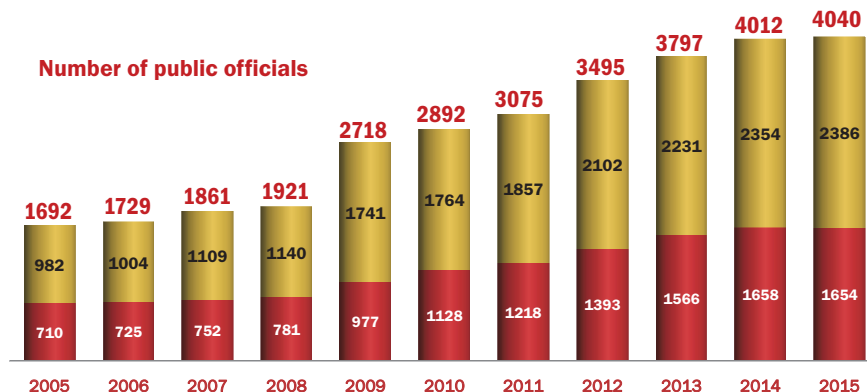
Import (in million euro)	Export (in thousand euro)	Year	The coverage of imports by exports (%)
1.457	0.441	2006	30.26
2.074	0.455	2007	21.93
2.530	0.416	2008	16.45
1.654	0.277	2009	16.74
1.657	0.333	2010	24.33
1.823	0.454	2011	24.9
1.821	0.367	2012	20.1
1.773	0.375	2013	21.17
1.784	0.333	2014	18.67
1.840	0.317	2015	17.2



- ▶ Although Montenegro has seven factories for the production of water, in 2014 Montenegro imported 31 million liters worth seven million euros, according to official statistics.

## RATIONALIZATION OF PUBLIC SECTOR

# Doubled number of public officials

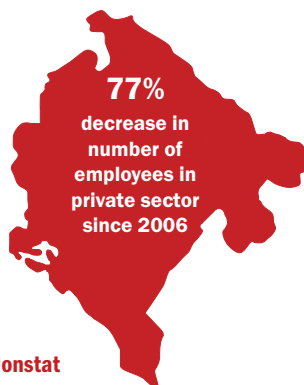


► Source: Agency for prevention of corruption

■ State ■ Local



► Source: Monstat



The European Parliament in its Resolution on Montenegro indicates the importance of adoption of appropriate strategic framework for reform of public sector in next four-year period, which should entail grounds for de-politicization of administration, and secure respect of principles of professional progressing and employment based on merits, as well as responsibility and transparency.

## The highest number of policemen in Europe

In 2011, Montenegro had the highest number of policemen (808) on 100.000 of people, which was almost three times higher in comparison with the European Union countries and with the largest countries worldwide. Average of employed policemen on 100.000 of people is 300. The Government noted excessive employment of the police officers in the document "Comparative analysis of employment in public sector".

SUPREME INSTITUTION OF MONETARY SYSTEM

# The number of employees in the Central Bank of Montenegro (CBCG) is higher than the European average

When comparing the number of employees in Central banks on 100.000 people, Montenegro has a very high average – 57,1. According to sources, Economic and Central Bank Directory, this average in Russia is 50,6, and almost 20 in France. Observing the overall European area, this average was 15, and in the United States almost seven. In countries with large number of people, this average is lower - in India two and in China 0.19.





## LOANS IN SWISS FRANCS

# Why are the Central Bank and the Ministry of Finance silent?

200 clients of Hypo Alpe Adria Bank have been damaged and misled by this bank because the repayment of the loan is tied to the Swiss franc.

The loan was not paid in Swiss francs but in euros, and according to the Bank Ombudsman, the francs have never entered the country.

The franc has risen **80%** against the euro, so the monthly payment of, for example, 500 euros, initially jumped to 900 euros.

The principal amount, despite nine years of regular payments of interest, increased **30%** in comparison with the initial amount.



**HYPO GROUP**  
ALPE ADRIA

In 2013, lawsuits were filed against Hypo Alpe Adria Bank.

The Parliament of Montenegro, after this, adopted the Law on Conversion of Loans Granted to Foreign Currency CHF to EUR. HYPO Bank undermines the legal system of Montenegro, since it is only partially implemented, because the same standard applies to about 300 party loans.

The Central Bank of Montenegro and the Ministry of Finance so far have not reacted to the selective and inconsistent implementation of the law.

A similar situation happened in Croatia, which had 55,000 of such loans. After the adoption of a similar law, the Croatian Ministry of Finance ordered banks to resolve all the challenges with the application of the law within 48 hours or the banks would be closed. In this manner, the situation was resolved in all eight banks.

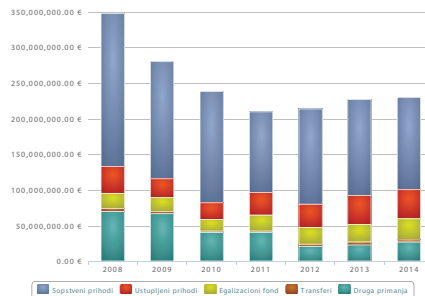
## UNSUSTAINABLE MUNICIPAL FINANCES

# Local self-governments on the edge of existence

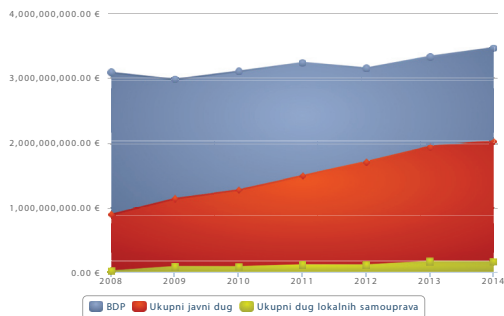
According to the Ministry of Finances, overall debt of Montenegrin municipalities, in terms of credits and outstanding obligations at the end of last year, was 286.13 million euros, and for only a year increased by 120 million euros.

Funds from the Equalization Fund, which is one of the sources for the financing of municipalities, have been established by the Law on Financing of Local Self-Government and is used as the instrument for equalization of financially weaker municipalities. Only eight municipalities do not use money from the fund. According to the Law on Financing of Local Self-Government, right to use of the money from the fund has the municipality whose average fiscal capacity per capita for the last three years (before the year when allocation was done) is lower than the average fiscal capacity per capita of all municipalities for the same period. Due to obvious financial unsustainability, almost all municipalities have more employees.

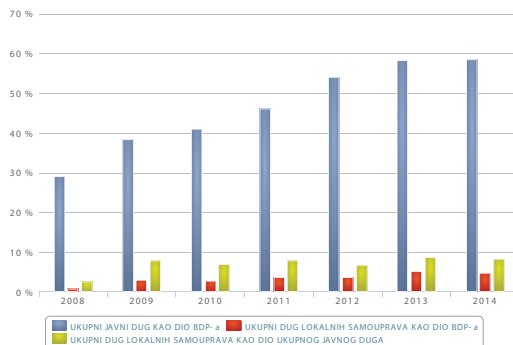
**Structure of overall incomes of local self-governments**



**Movement of GDP, overall public incomes and overall incomes of local self-governments**



**General debt indicators**



► Source: Union of municipalities Montenegro

SPATIAL PLANNING AND ARCHITECTURE

## Construction appetites endangered valuable spatial resources



Even though the newly gained independence was supposed to represent the beginning of a new vision and improvement in the development of all segments in society, which would then reflect also in the spatial development, we have experienced and witnessed exactly the opposite. The development of society, democracy, and economy has been far below the desired level; unfortunately we have also noted negative trends. In the same manner the spatial planning has shown the same deficiencies. The last ten years represent the most serious attack on extremely valuable and limited spatial resources.



- ▶ Photos that summarize all the unfortunate planning and spatial development in Montenegro in the past ten years, ignorance, arrogance, attitudes towards cultural heritage as well as towards the development of tourism. Devastation of the public valuables for the sake of private interests.

Expectations 10 years ago	Reality in 2016
<p>Balanced spatial development through more aspects (north-south, city-village, center-periphery)</p>	<ul style="list-style-type: none"> <li>• North region still has a negative demographic and economic trend, which also influences negatively spatial development.</li> <li>• Podgorica is slowly spatially “swallowing” north and south.</li> <li>• Montenegrin villages are still unfavorable places for living and working, primarily for young people.</li> <li>• City peripheries have not developed into the most favorable places for living as they should have.</li> </ul>
<p>Cities are more pleasant for life and work because:</p> <ul style="list-style-type: none"> <li>• Public spaces are equipped and there are enough of them.</li> <li>• Public services are efficient and are satisfying needs.</li> <li>• Green areas are arranged and more citizens are spending their time out in the open in recreation and socializing.</li> <li>• Pavements, pedestrian and bicycle paths, and public transportation, having in mind the size of our cities, are bases of citizens’ mobility.</li> <li>• Every city has a network of social centres for cultural activities, youth centres, and centres for the elderly.</li> <li>• Every city has its own economic and business zones.</li> <li>• Expansion of cities is controlled and in line with needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Public spaces are neglected and under constant pressure from construction lobbies to transfer them to construction parcels, particularly at the seaside.</li> <li>• There is an evident lack of public services such are kindergartens, schools, and cultural centres.</li> <li>• Open public areas are completely neglected and such areas are fewer in number, while new ones are not planned; there is no reconstruction of recreational spaces such are jogging trails, areas for open exercise and a general network of sport facilities; there is no increase in network of bicycle paths nor is this transport stimulated (only two cities have started to build networks of bicycle paths).</li> <li>• Existing areas in public ownership are not used fully; they are awarded in an untransparent manner, and the construction of new ones, such are cultural centres, science-investigative centres, and non-profit social centres, is completely neglected.</li> <li>• City management is hardly doing anything to support the local private sector to develop, while the state is going out of its way to meet the selected investors without clear proof that it is really in the public interest. Cities are not encouraging the establishment of business zones nor is the economy showing signs of recovery after unsuccessful privatization and the global economic crisis.</li> <li>• Cities are over-planned and are expanding in an uncontrolled manner devastating peripheral zones.</li> </ul>
<p>City planning is based on clear indicators with the aim to reach balanced sustainable spatial development.</p>	<ul style="list-style-type: none"> <li>• Cities develop spontaneously, without recognition and preservation of the authentic character of each city and there is no vision of its relations with neighboring cities or to the context of the whole of Montenegro.</li> </ul>
<p>Architecture and construction follow modern trends especially when it comes to respecting the existing values and contexture, sustainability of construction, the use of ecological principles and energy efficiency.</p>	<p>Even though the quality of construction has improved we can’t be satisfied with the following:</p> <ul style="list-style-type: none"> <li>• The level of respect of inherited context (example of demolition of the Hotel “Crna Gora”; actual extremely unacceptable attack on exceptional architectural object – Hotel “Podgorica”)</li> <li>• There is practically no use of ecological material for construction, such are cane and recycled material for thermal-isolation of an object, as well as the use of biological treatment plants for waste water treatment.</li> <li>• Objects are still not energy efficient to a satisfactory level; good practices such are green roofs and use of solar collectors are not used or not used to a great extent.</li> </ul>

Expectations 10 years ago	Reality in 2016
<p>Corruption in society, hence in the planning process will be reduced to a possible extent and spatial planning will serve the public rather than private interests.</p>	<p>Corruption in construction is every day taking an increasing toll through:</p> <ul style="list-style-type: none"> <li>• Building objects in completely inappropriate places, often outside out the construction area.</li> <li>• Citizens' opinions are usually ignored in decision-making processes regarding plans, rather the planning is executed in accordance with the wishes of investors, at all costs.</li> <li>• Discovering illegal actions of individual functionaries are mostly in connection with the machinations in the construction sector, and the general impression is that we are nowhere near revealing all who deserve to be prosecuted.</li> <li>• A large number of problematic locations are linked to the names of individuals affiliated to authorities, and it is apparent that the system is put into the service of their construction appetites.</li> <li>• Although the space of Montenegro, especially on the coast, is already largely spent, that does not prevent the various "investors" from raising its facilities now in height, creating structures of inappropriate size for the landscape in which they are based. The worst examples are in Petrovac and Budva.</li> </ul>
<p>Cultural heritage and landscape protection will become core components of spatial development.</p>	<p>Cultural heritage has been completely neglected and it is considered more as a burden than as a resource. Institutions for protection of cultural heritage are weakened and without enough authority and capacity to defend it from extensive urbanization. Landscape protection is not even considered yet as an important aspect of preserving the spatial value.</p>



### Illegal construction jeopardized national park

During 2012, boundaries of the national part Durmitor were moved for 1.199 hectares. Decision on this matter was made due to years long illegal constructing, which devastated exit area from Žabljak.



### Hotel As - Perazića do



Hotel As in Perazića do near Budva was announced as an extraordinary tourist resort and is now one in a line of unsuccessful governmental privatizations. After 12 years of delay, instead of an elite hotel Montenegro has a huge concrete construction, an uncollectible guarantee, and even the possibility that state needs to pay 30 million euros to investor. This hotel was sold to company Nega tours for five million Deutschmarks.

### Petrovac



Even though inhabitants of Petrovac have petitioned with more than 700 signatures to stop the construction work in center of town, the “sky-scraper-ization” of Petrovac, tourist jewel of the Budva Riviera, was not given up.

### Hotel Podgorica



The construction of a high-rise building close to Hotel Podgorica raised a storm in the public and resulted in an appeal to proclaim this hotel as cultural heritage. Experts are claiming that this type of spatial devastation near the Hotel Podgorica is a kind of cultural genocide.

### Kino Kultura - Podgorica



At the spot of cinema “Kultura,” the symbol of the city of Podgorica that was demolished five years ago, the plan was to build a large underground parking, commercial, and residential complex and the city's theater. Today, there is parking space.

### Hotel Crna Gora - Podgorica



Hotel “Crna Gora,” the symbol of the city of Podgorica, was built back in 1953. After mistakenly demolishing the old hotel and despite project documentation for the purpose of the new hotel with the brand Hilton, constructor Žarko Burić said he will re-build the hotel as it was before.

*Architecture is always a reflection of society and as long as we are not improving the level of development of the Montenegrin society, its openness, based on sustainability principles, the rule of law and the cult of education and commitment to the public interest and all guaranteed freedoms - the space will look like the materialization of values that as a society we cherish. Today this is not even close to what we hoped for from the moment we declared an ecological state and later chose independence.*



# THE COUNTRY: PUBLIC GOODS



## THE FIRST ECOLOGICAL STATE IN THE WORLD

## Without serious and systematic access to protection of environment

According to trends of more environmental segments, such as the quality of air or waste management, wastewater, wild fauna, protected areas, or areas that have the potential to survive, it may be concluded that decision makers have not placed this important area for quality of life at the top of priorities. This may be considered absurd, especially when Montenegro is declared an ecological state by its constitution.



After decades of insisting on industrial development, which implied exploitation of natural resources, after the collapse of SFR Yugoslavia and joint market, devastated areas have stayed, which have to be reconstructed and consequences mitigated in the best possible manner. Also, due to the decades long economic crisis and the period of transition, the culture of living has largely changed.

- ▶ **Landfill Mislov do in Nikšić has become illegal landfill. Ten years ago, this area was determined as temporary waste disposal site**

The populace has created bad habits such as illegal construction of uncontrolled waste disposal, use of “filthy” fuel for heating, illegal forest cutting, uncontrolled exploitation of rivers material, and poaching, which is—jointly with the lack of efficient and un-selective implementation of valid laws in the part of sanctioning of committers—still one of the consequences of inadequate management of institutions of the system.



Quality of air, especially during the winter, characterizes exceeding of medium daily val-

## THE COUNTRY: PUBLIC GOODS

ues of suspended particles PM10 and PM2.5 in urban zones in Pljevlja, Nikšić, and Podgorica. According to scientific presumptions, other municipalities in central and northern region of Montenegro have the same or similar problem. Precisely in that part it is important to improve monitoring through a national network of automatic stances, in order to react appropriately and protect health and quality of environment. The national strategy for management of air quality, which was created



► **Uncontrolled waste disposal at the landfill in Šavnik – waste disposal in the river Bijela**

by the Ministry of Sustainable Development and Tourism in cooperation with the Agency for Environmental Protection, had to deal quite more with the concrete measures and include more institutions in the part on overtaking of responsibilities for needed measures and planned activities.

When it comes to waste disposal, both municipal and industrial, the current disastrous situation in which only two regional sanitary waste dumps exist in Podgorica and Bar, whose capacities were used faster than was initially planned, is one more proof of the lack of serious and systematic approach to this problem and consequences that uncontrolled waste disposal has on the environment and public health.

The national plan for waste disposal that should offer the road map for the creation of an adequate system, respecting the high recycling goals set by the EU, did not meet expectations.

### **Citizens do not participate in decision-making processes**

One of the important segments of public policies in the environmental area that needs significant improvement, is implementation of the three pillars of the Aarhus Convention, which guarantee the right to adequate and timely information, participation in decision-making processes from the environmental area and right to legal protection in cases of rights abuse. At the moment, good communication between the Agency for Environmental Protection and an interested public does not exist, because data that should be public are not at the disposal of nongovernmental organizations that are dealing with the environment and that are trying to contribute to improvement of the current situation.

This document that has been updated several times opened the space for controversial projects such as a waste incinerator to be located in the municipality of Nikšić. This is absurd if we bear in mind the lack of needed infrastructure for such an object, and the lack of needed precise data on generated amount and morphologic composition of waste.

Like in the case of air quality, lack of adequate monitoring and a strategic approach based on good intersectoral cooperation and support of the overall system shows that this deals with irresponsible relations of decision makers at the highest level.

After the incomplete recovery of Jalovište in Mojkovac, receiving 50 million dollars of credit from the World Bank, the country started recovery of one part of the so-called “black points,” where there were plans for a grit landfill in the Adriatic dockyard in Bijela, Flotation Tailing Gradac in Pljevlja, waste dump in Maljevac in Pljevlja and solid waste, and red mud pond in the Aluminum Plant in Podgorica.

A demanding procedure that requires additional efforts of administration and a lot of time turned out to be a huge obstacle, which was also the result of a lack of capacities of the system institutions, inadequate planning, and lack of intersectoral cooperation and efficiency.

*A large problem is lack of data on potentials of the territory for candidacy for the NATURA 2000 network of European protected areas, which is a duty of the country at the end of the EU integration process in Chapter 27. This insufficiency is negatively reflected in the part of spatial planning and many other developmental directions. Lack of controlled data reflects also on the management of the overall system, which has a further negative effect on the overall situation of the environment and the quality of life of people.*



► **Devastated beach Buljarica, although a protected natural area**



## BERANSELO CASE

## Citizens won ecologic terror

Locals from Beranselo were in a hopeless situation with un-selective and illegal waste disposal. According to some estimates, in the last ten years up to a million tons of waste was disposed of at the landfill, Vasove vode.

After unsuccessful attempts of locals to inform about problems the waste dump caused, three years ago they started with blockades in order to prohibit waste disposal. A few TV shows (e.g. “Robin Hood”) were devoted to environmental catastrophe in the north of the country. Representatives of competent institutions admitted then on TV that waste disposal was illegal, but the Prosecution Office did not react to this public recognition. Citizens believed that this was long term systematic ecological terror over locals of Beranselo, who fought to return the natural purpose to Vasove vode, which was not an illegal landfill of dangerous waste.

Locals from Beranselo finally won, when the country gave up of further waste disposal at Vasove vode, before local elections in 2014. Everything resulted in the decision of the government on the recovery of the largest landfill in the north of Montenegro. Through this case, the message to competent institutions was that the citizens of Montenegro, in contrast with decision makers, recognized environment as one of the priority areas, and that the fight of locals from Beranselo is the fight of all the people aware of ecology, notwithstanding what part of ecological state they live in.



Photo: [www.vijesti.me](http://www.vijesti.me)

*In this case, citizens recognized the consequences of inappropriate waste disposal and invited people responsible for this situation. In this case, locals defended the legal order of Montenegro as an ecological state and the country that strives for the rule of law, especially when it comes to protection of environment by the Constitution and a number of laws, including the Criminal Code, and a number of international contracts.*

- **Mr. Đorđije Tomović, who passed away, will be remembered as the eldest man in Beranselo, and as a recognizable man who fought for clean air and a healthy environment**

## FIGHT FOR VALDANOS

### **Instead of olives, concrete-work planned**

Olive grove in Valdanos and the whole Uvala was expropriated in 1978, with the explanation “for the needs of defense...” and right after this, a military beach resort was built. Owners initiated a fight for the property restitution in 1980, before courts of former Yugoslavia. According to information from the study of the Institute for Subtropic Culture in Bar that has been done when the restitution was announced, it was proved that olives were bought for a very low price, while a much higher amount—three to five times higher—was paid in short order to a minority that filed appeal (4-5% out of 204 owners).



Besides the fact that a specific number of owners have never reconciled with expropriation and did not take the compensation, two grounds are indisputable for restitution: public interest has never been determined, and the land was not brought to intended use, and legal compensation has never been paid to the majority.

The Municipal Commission, established and in operation until 2007, started with restitution of land and olives to previous owners. Then the Amendments of Law on Restitution were adopted; they pronounced all expropriations after 1974 as legal. This was obviously done with the intention to not return the property to Valdanos. This was done due to the plans that later became clear after the adoption of the study and the opening of an international competition for the “valorization” of Valdanos.

The study of Valdanos spurs suspicions that this is an illegal and damaging job that speaks to intentions for preparation of the terrain for purchasers or already known investment. This study has been adopted in irregular procedure, and its content is scandalous.

Public debate for the Location Study was opened at the end of 2008, and only seven days later the tender was published. However the tender was published without a previously adopted plan document, or without participation and respect of all the standpoints of all interested sides in this procedure that can only give it legitimacy. In this case, standards were drastically breached, which prescribe obligation on participation and respect of local community and professional public in the adopting of strategic programs and projects.

## THE COUNTRY: PUBLIC GOODS

Work on the mentioned Location Study, hidden from the public, lasted for two years and two months after adopting at the session of the government (the end of 2010) became public. For that time, and in collusion with the non-referent company, bearing in mind private interests not national and local community interests, were reported plans that could benefit only investor. Only this company responded regularly on two international tenders. This can be seen only in the Investment Plan contained in the study, where a third of investments (74 million EUR out of 211) is intended to “estimate value of the land with the value on transfer of absolute rights.” This only confirms that the land in Valdanos is essentially worth much more, but according to tender is rented for 18 cents per square.

As it was rented, a well known investor could sell villas, and was allowed to do concrete work on 111,284 square meters. In that manner, Valdanos, although marked in the study as unique, would forever be devastated. This would imply permanent devastation of the coast, although the Valdanos coast is a natural monument from 1968. The study illegally allows turning of agriculture land into construction land, or the whole complex of olive grove, which is according to the law placed under special “protection of the country.” The study implies that in “cases where it is necessary, replacing of hundred-year-old olive trees should be provided” by bulldozers.

*According to the Report of the Institute for Subtropic Culture in Bar, that was ordered by the Ministry of Agriculture, between 13 and 14 thousand olive trees were neglected, there was no harvesting for 20 years and 5% of trees dried up. Millions were lost for missed harvests, especially in years when all Mediterranean countries, especially candidate countries for the EU membership, hastily planted millions worth of new plants.*

### ► Private security is paid almost 70,000 euros per year for “securing” olives in Valdanos





According to expropriation, 19,000 trees of olive were deprived from families and religious communities. 204 families and religious communities lost their olives, although the public body has only 118 disputed invoices. In that manner, they were unfairly treated because they lost their jobs, dignity, and perspective.

Bearing in mind that families whose olives were taken away do not cultivate olive groves, do not produce olive oil, and do not take olives to the market, they are forced to do something else, but existence for some of them is uncertain.

If an old olive tree can give 50 kilos of olive at minimum, which can produce eight liters of olive oil, we believe that at Valdanos bay 900,000 kilos of olive oil remains locked away, or 144,000 liters of oil per year! If this annual amount is combined with a 35-year period, we can calculate how much owners might have earned.

Considering the condition of olives in Valdanos, their safety is uncertain because of possible fire.

According to the conclusions of the Institute for Subtropic culture in Bar, revitalization and saving of olive groves in Valdanos should be urgently pursued.

The number of current owners (real successors) expecting compensation is almost 600 and 38 years have passed since unjust deprivation.

When considering the average price of olive oil, 10 euros and 6 euros per kilo of processed olives, then numbers tell us that annually almost 5,400,000 euros of consumable olives damages and almost 1,440,000 euros for olive oil that might be produced.

According to Monstat, Montenegro imports almost 400,000 kilos of consumable olives, including almost 150,000 kilos of olive oil.



## CARE ABOUT HEALTH OF CITIZENS

## The last position among 35 European health systems

Although, according to the Constitution and the Law on Health Care, every citizen of Montenegro shall be entitled to health care pursuant to the highest attainable health standards and developments of the modern medical theory, the situation in reality is, unfortunately, completely different.



Montenegro holds the last position on the list of 35 European health systems in this year's Report of the Euro Health Consumer Index (EHCI). In 2015, our country scored 23 points more as compared with 2014. However, this was not sufficient to move from the last position on the list. The report states that Montenegro is a country with the population of only 650,000 inhabitants, implying that the reforms could be implemented very quickly. EHCI analyzes national health systems on the basis of 48 indicators that include fields such as rights and information of patients, access to health care, outcomes of treatment, scope of services, prevention, and use of pharmaceutical products. Why is this the case? Insufficient dedication of the most responsible persons to the problems in the health system, insufficient involvement, lack of professional relation of the pivots of the system and, essentially, their legal and moral (ir)responsibility.

### Law in favor of private health institutions

Recently, the newly adopted Law on Networking of Private Health Institutions is the focus of attention. The law was voted on three years ago with the intention of trying to unburden the Clinical Centre of Montenegro as a major health institution and to reduce the period of waiting for certain specialist check-ups. This motive is more than legitimate. However, the law in itself did not regulate a number of other issues, especially the field relating to the mechanisms of controlling potential abuse. As a result, the majority of doctors-specialists from the Clinical Centre work in a freelance capacity in many private health institutions. This indicates that there is a space for a huge conflict of interest, so "fictional" patients waiting lists were created very quickly. According to the data of the non-governmental organization "Krug života" ("Circle of Life"), which deals with the protection of patients' rights, a negative trend has been noticed in terms of the financing of certain specialist departments within state-owned institutions, which directly affects their work and leads to their silent closure.

### **Example: (Un)intentional closure of the Clinic for Treatment of Infertility and In-Vitro Fertilization**

This clinic within the General Hospital in Cetinje, showed great results in this field for years. The successful work and good management were crowned with the celebration of the birth of the 100th baby early in 2010. The Ministry of Health did not recognize either the success or the needs of this department. Consequently, all endeavors to increase the budget of the clinic did not produce results. The amount of money necessary for covering the operating costs of employees and the continuation of scientific work totaled approximately 100,000.00 euros but this money was not provided, giving “the lack of funding” as an excuse. As a result, a brain-drain ensued from the clinic, the clinic being presently on the verge of extinction. Concurrently, new private health institutions were opened in the health services market, starting to deal with the same problems. An increasing number of citizens address them for help. The data obtained by the NGO “Circle of Life” show that private health institutions in this field claimed from the Health Fund over 800,000.00 euros annually for the previous two years for the treatment of patients, those being mostly referred from the Clinical Centre. The figures witness that in this way the Clinic for Treatment of Infertility and In-Vitro Fertilization in Cetinje was gradually destroyed, giving the lack of money as an excuse. However, presently, the several times bigger amount of state money is allocated from the fund to private health institutions which perform the same services for a huge profit.

For years, our health system has been recognized as the system with the highest rate of corruption. The results of the annual survey of public opinion show that the greatest number of interviewees, almost 19%, hold the opinion that corruption is present in the health system.<sup>9</sup> The citizens are highly dissatisfied with the work of medical staff, lack of medications, and numerous affairs. This could mean an alarm that it is high time things changed. The UNICEF 2011 Report on Assessment of the Safety and Quality of Hospital Care for Mothers and New-Born Babies in Montenegro, which was concealed and presented to the public only in 2013, shows a horrific situation in one of the most vulnerable segments of health care. The infections of babies in the Clinical Centre of Montenegro in 2010 and Bijelo Polje in 2014, unfortunately, only confirmed the facts from the report. Isolated cases with fatal outcomes became an ordinary practice. None of these cases had a satisfactory legal outcome.

*The lack of medications, particularly those for the chronically ill, faulty equipment which results in several-month waiting for specialist check-ups, and cases of corruption very rarely have a legal outcome, thus becoming the image of the Montenegrin health system.*

<sup>9</sup> Research for the needs of Anticorruption Initiative Administration, conducted by Public Opinion Research Agency (DAMAR), from 1 until 7 December, using the sample of thousand respondents in nine towns

## Right to medications and treatment exercised by media pressure

- ▶ The Health Fund is the institution whose work is constantly subject to complaints by citizens. In the case of Vladimir Vukčević, the Health Fund persistently refused to refer him to a London hospital specialized in his disease, angiodyplasia of blood vessels of intestines, in 2009. The TV program “Robin Hood” proved that our health system failed in case of treatment of the man who was referred for intestinal surgery, which saved his life, only after pressure was exerted by the media.
- ▶ The lack of medications in state-owned drugstores at the end of 2014 made a disconcertingly great number of pensioners and other citizens face the situation where they could not continue undergoing the necessary therapy. Several months following the elaboration of this issue in our program, the state decided that the citizens who could not find medications in state-owned drugstores are allowed to obtain medications from private drugstores, with submission of a prescription. However, since November 2015, medications could again be obtained only in state-owned drugstores.
- ▶ The negligence and mistakes of doctors are almost never sanctioned by competent authorities. Two fatal cases followed by the public had one thing in common, this being the non-observance of the Labour Law. This law stipulates the suspension of doctors until the end of the court proceedings. However, these cases differed as to whether the doctors in charge, against whom the court proceedings were conducted, were suspended or not. On one hand, Miladin Šoć has been struggling before the court for five years, seeking justice for the death of his daughter. As claimed by him, his daughter was wrongly treated for an apparently benign influenza in the Clinical Centre of Montenegro and was brought to death at the age of thirty. Šoć emphasizes that now his daughter would be alive if it had not been for the negligence of doctors, who prescribed a wrong therapy and then discharged her from the hospital in a bad condition, after which she died the next day. Although the doctors have been in the dock, they still work despite the fact that an indictment has been charged against them. On the other hand, the suspension of the doctors from Bijelo Polje ensued only after the fathers of the babies began a hunger strike on two occasions, 13 days in total. The babies were infected in the maternity hospital and one of them died, unfortunately.
- ▶ The month of April 2012 remained infamous in “Komanski most” for the death of two beneficiaries who were not vaccinated against influenza which raged in Montenegro at the time. Despite the fact that the Public Health Institute publicly invited the citizens to undergo vaccination, this appeal was not applied to the beneficiaries within “Komanski most.” Although almost four years have passed since then, no one has yet been held responsible for the death of the beneficiaries.



## SITUATION IN HIGHER EDUCATION

# Discrepancy between education policy and labour market

The reform of education in Montenegro started in 2004 by adoption of the Law on Higher Education. Although 12 years have passed since then, Montenegro cannot pride itself on big results.

The Law on Higher Education was adopted in October 2003, this being the same year when Montenegro officially became a signatory to the Bologna Declaration. By accepting this declaration and the Lisbon Convention, Montenegro made a step forward in order to approach European standards and enable a better mobilization of university students and better quality studies. In 2006/2007, the first graduated bachelors who studied under the Bologna principles were awarded diplomas.



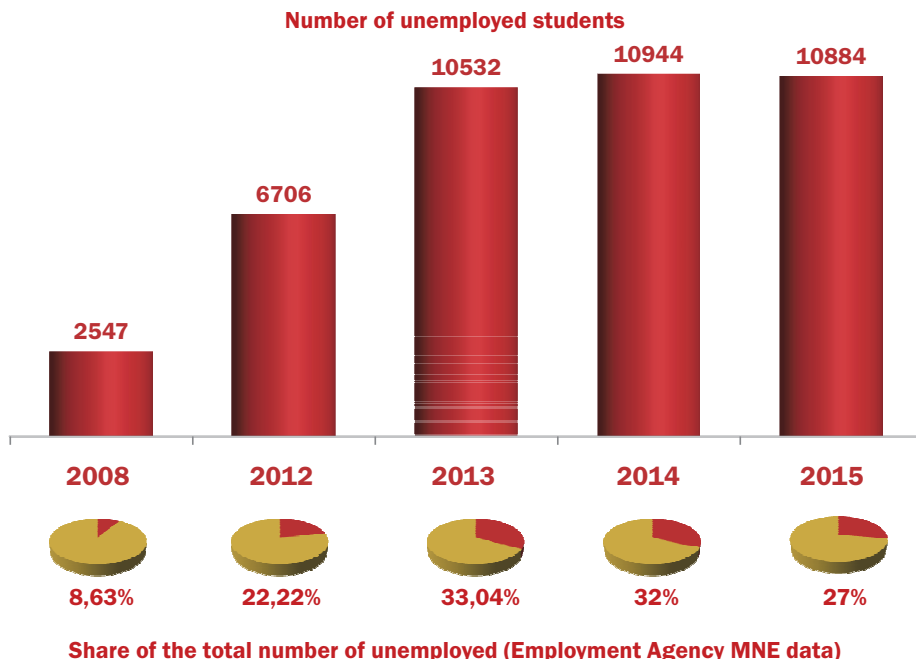
The European Law Students' Association  
MONTENEGRO

After more than one decade following the signing of this declaration, the University of Montenegro decided to evaluate its implementation and re-examine the justification of studies under the Bologna Declaration. The Report on External Evaluation of Higher Education Institutions in Montenegro identified 21 recommendations, almost equally addressed to the institutions themselves, and the competent ministries and other institutions. The following four system weaknesses of the higher education sector in Montenegro were identified:

- ▶ The number of small institutions is too high.
- ▶ Too many institutions have the training in business management in focus.
- ▶ As the most major and the oldest institution of the kind, the University of Montenegro has the leading role and, as such, it should become open to other institutions and cooperate with them in order to ensure a high quality within the overall sector.
- ▶ All institutions should develop a higher level of strategic capacities and leave the personalized process of decision-making with the focus on the rector, and switch to institutionalized processes.

The increase in the number of people who completed higher education, as deemed by many, has not improved the quality of fields in which those young people were educated. The major criticism refers to the fact that the needs of labour market and enrollment policy are still mismatched, and that there are neither incentives nor conditions for dealing with scientific work. The issues which remain open for those dealing with the higher education system are—to what extent are the Montenegrin students competitive in the European labour market Montenegro is striving for? To what extent are the students competitive in Montenegro as well, given that the increase in number of unemployed people who completed higher education is obvious, as well as their share in general unemployment?

► **Trends of unemployment of students**



**Private faculties lead to closure of the departments within state faculties**

Private universities “Mediterranean” and “Donja Gorica” have been opened. Their owners are Montenegrin businessmen Duško Knežević, and Tomo Čelebić and the Prime Minister Milo Đukanović, respectively. Interestingly, private universities open departments which are declared unprofitable and are being closed at state universities.

A high increase in the unemployment of people who completed higher education recorded in the past few years is the result of significant increase in the number of secondary school students who enroll higher education institutions (now almost 80%). This is confirmed by the exiting trend in the decrease in the number of secondary school students registered in the unemployment records. From the academic year 2000/01 until the academic year 2014/15, the number of university students increased three times, whereas the number of graduated students increased 3.3 times on an annual basis. Interestingly, the share of the female student population amounted to 57% both in terms of studying and graduating in the academic year 2000/01. In the academic year 2014/15 this share fell to 53%

## Knowledge of Montenegrins took the last place

At the latest Programme for International Student Assessment (PISA), organized in 2012, Montenegrin students took 55<sup>th</sup> position and 410 points, among 65 countries, where the testing took place. PISA testing is repeating every three years. This year's testing in Montenegro is in course, and results will be known at the end of the year. PISA aims at testing literacy in mathematics, reading and science.

of female students studying at the university and increased up to 60% in terms of female students graduation.

International cooperation at the University still records a very low degree of development, although the efforts aimed at its improvement are obvious. The students' organizations provide students with more opportunities to acquire experience abroad, both through exchange and practice, than the University of Montenegro. Despite this fact, the support provided to students' organizations is occasional and mainly dependent on the willingness of professors and competent persons at the faculty. The acquisition of knowledge and skills through extracurricular activities again depends on an individual student and the professor in charge. The mobility of students is certainly one of the fields to which special attention is devoted but is, unfortunately, mainly of declarative character. There are no precise data, and no records are kept on the young people studying abroad, nor on those young people who left the country in order to

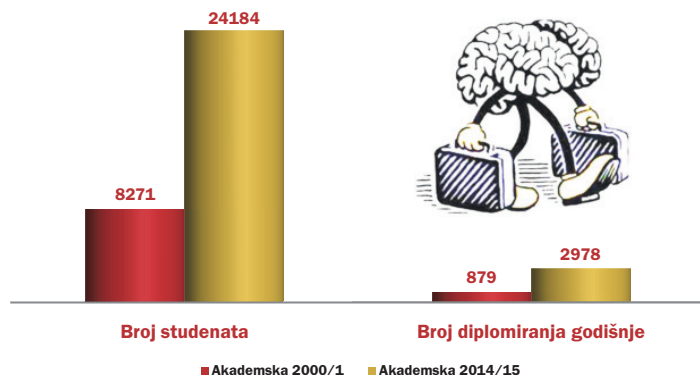
# 9,946

students is at the  
Employment Bureau,  
according to data of the  
Employment Agency.  
Out of this number,  
270 are MAs and  
nine PhDs.

develop themselves professionally and who potentially could/would want to repatriate to Montenegro as specialists.

*Can Montenegro afford itself to face the situation in which the people who completed higher education cannot apply their knowledge in scientific-research work or in the labour market?*

### Trend of enrolling studies and graduation





## FINANCING OF NGOs FROM THE BUDGET

## Abuse and ignoring of court decisions

Financing of the civil sector from public funds has been followed by controversies and irregularities. All of this was confirmed in a number of reports from different addresses but also by court decisions, which were obviously insufficient for competent institutions to start solving this problem and responsible ones to respond to the law. The abuse of budget means planned activities and development of NGOs still stays the constant and the key problem that does not allow adequate awakening of citizens' awareness and the requirement of more responsible, efficient, and transparent administration. All these claims are best confirmed by the facts of the Audit Report on Financing of Nongovernmental Organizations, which was published a few days ago by the National Audit Institution.

A major problem in the financing of NGOs is clear: disrespect of the Law on Nongovernmental Organizations that was adopted in 2011. This law clearly and efficiently defines the area of financing of nongovernmental organizations through solutions such as the establishment of a unique, centralized, and professional commission that will objectively and without external impact allocate money, and evaluation of implemented activities and financial reports. After the adoption of the Law on NGOs, three more laws were planned to harmonize with it: the Law on Human and Minority Rights (not harmonized), the Law on Lottery (not harmonized), the Law on Culture (harmonized). During 2013, the government obliged the Ministry of Finances to send normative and legal framework that defined this area to the government and to propose measures for the resolution of open questions.

The fact that the Administrative Court annulled three decisions on allocation of funds (for 2011, 2012, and 2013) best describes allocation of funds in previous years. The last verdict of the Administrative Court, which annulled the Decision on Allocation of Funds from the Lottery, of almost two million euros, is the only confirmation of intensive illegal work of the competent Commission, and on the other side, confirmation of its and the Ministry of Finances' readiness to continue with this practice in the future. Unfortunately, despite a number of promises, competent ministers did not show an understanding for such decisions of the court, so it appears that such a standpoint recommends the revocation of court instances, so that anyone can do what they want to do fully and without responsibility.

During 2013, the Proposal of Decision on Allocation was anonymously supported at the session of the commission that took place in 2013. On the next page, and a month later, when a decision was already published and money allocated, all members of the commission were obliged to "urgently submit to a Secretary of the Commission prepared and signed score sheets of remain-

## Characteristic irregularities

Score sheets that are signed by members of a sub-commission, which serve for selection of projects and programs that will receive funds, were not fulfilled in columns planned for comments and were not followed by other documentation that should provide insight into the manner of work of sub-commissions (review and assessment of projects and programs). There is no developed procedure and methodology for “assessment and selection of programs and projects” according to criteria, sub-criteria and score sheet; summary score sheets that serve for selection of programs and projects that would receive the money do not have classification or registry numbers, were not stamped, and were not marked by the date, so it is impossible to ascertain their credibility or the day they were made.

ing plans and programs they evaluated at the competition, and to urgently sign jointly prepared integral score sheets per sub-commissions.” Asking for score sheets after the adopted decision indicates that the Decision on Allocation of Funds was not made according to score sheets signed by all members of the sub-commission who participated in the assessment of plans and programs, which was not in accordance with Article 4 of the Rulebook.

The Insight into Decision on Allocation for 2013 and a sample of selected plans and programs, determined that some members of the commission and sub-commission participated in the assessment of plans and programs of organizations that proposed them for members, which was confirmed by signatures on summary score sheets, opposite to signed Statements on Impartiality. These facts bring into issue the objectivity of assessments and serve as reminders of conflict of interests of members of the commission or sub-commission.

The commission did not submit to the Government Report on Work for 2013; this was in violation of Article 11 of the Regulation, by which it was obliged to do so by the end of the first quarter of the current year for the previous year.



*The situation in financing of the civil sector from public funds was indicated by the last Progress Report in Montenegro. This document stressed that it was important to establish transparent procedures for the Government for cooperation with the civil sector, especially in the part related to the financing of nongovernmental organizations.*

- ▶ **A new convocation of the Commission for Allocation of Funds from the Lottery was established in the middle of last year, and accordingly, this area expects certain positive moves.**

## ATTITUDE OF THE COUNTRY TOWARDS HISTORY AND TRADITION

## Humiliating status for descendants of the last Montenegrin dynasty

The adopting of the Law on Status of Descendants of Dynasty Petrović Njegoš in 2011 made formal conditions for regulating matters important for the status of descendants of this dynasty that was ousted in 1918. On the other side, there were conditions for descendants to maintain and affirm the tradition of dynasty through cultural, humanitarian, and other nonpolitical affairs aiming to affirm Montenegrin identity, culture, and tradition.

According to Article 7 of the Law on Status of Descendants of Dynasty Petrović Njegoš, the President of Montenegro, President of the Parliament, and the President of the Government may appoint a representative of the descendants of the dynasty to execute specific protocolled and nonpolitical affairs. It is important to mention that the Prince Nikola has never asked that everything that belonged to his family be given to him.



Photo: www.vijesti.me

► After urgency of the United Kingdom Embassy, Montenegrin Prince Nikola was invited at the event organized on the occasion of Prince Charles' visit to Montenegro

However, the situation is different in practice. During the visit of Prince Charles, Prince of Wales, to Montenegro, national protocol did not invite Prince Nikola Petrović, despite the historic connection of Montenegro via Princess Ana Petrović (Anna von Battenberg) with British Royal family Windsor. Through the Embassy of United Kingdom and their urgency, the Montenegrin Prince was invited to meet with Prince Charles. Igor Lukšić, former Ministry of Foreign Affairs and European Integrations, on that occasion “offered generously on the spot to Prince Nikola Petrović to jointly welcome and enter into the house” of his predecessors. Article 12 of the same law allows predecessors of the dynasty to use permanently the home of the King Nikola I Petrović Njegoš on Njeguši. The house has been consigned, but is in ruins. Currently, the country has done nothing to prevent the failing of such a heritage. The same article of the law says that the family house of 300 square meters will be built in Cetinje and will be given to descendants of the dynasty, with the land of 5,000 square meters, and also the 130 square meters apartment in Podgorica. Four years later, since the adoption of this law, ownership of land in Bajice, where the house was supposed to be built, was transferred to Petrović family. The house has not been built yet.

*In 1990, Prince Nikola Petrović founded Montenegrin Bijenale that was supported by the Government until 2004, when the same Government stopped financial support for that project. The decision of the Ministry of Culture in 2010 to restore the Bijenale with Marina Abramović instead of Prince Nikola, and the fact that he was not contacted on that occasion at all or asked for opinion, best depicts the attitude of the country towards Prince Nikola and the dynasty Petrović.*



► Country house of the King Nikola in Nikšić, left to the ravages of time

## NATIONAL HERITAGE

## Culture for the privileged

# ATAK

The culture of any country is the question of its identity and the mirror of its national being. In this sense, Montenegro has good and renowned artists. A decade after Montenegrin independence, it could be concluded that the cultural policy of the country was managed in different ways. A certain progress could be noticed in the sense of referral of citizens to culture through different festivals and cultural events. However, a more significant step forward is still expected. To begin with, in the previous decade, Montenegro obtained the name for its own language and the university where this language is studied.

One of the national programs for the development of culture of Montenegro states that the foundations of the Montenegrin cultural identity are based on are the principles of the European Union. The European Union most frequently defines the policy in the field of culture as “unity within diversity.” Mid 2006, Montenegro became the 192<sup>nd</sup> member-state of the United Nations and one year later a full member of the Council of Europe, thus undertaking the commitment to observe the documents of these institutions. By signing the Stabilization and Association Agreement, our country committed itself to improve cultural cooperation.

To date, the Ministry of Culture has coordinated two significant EU programs, mainly aimed at the NGO sector but the institutions of culture as well: “Culture 2007-2013” and “Europe for Citizens 2012.” Within “Culture 2007-2013,” with the duration of approximately four years, 33 projects in the field of translation, publication, European cultural festivals were nominated, whereas six projects obtained support. The annual Montenegrin contribution totaled app. 20,000.00 euros whereas the total support to these projects for four years totaled 150,000.00 euros. To remind, one of the longest programs of the Ministry of Culture from the time of regaining independence up to present day is the program “Montenegro, One Cultural Address.” The project “Program of Culture Development in the Municipalities in the North of Montenegro,” initiated by the Ministry of Culture, started being implemented in 2009. The Government of Montenegro allocated 5.65 million euros for that purpose, out of which app. one million euros was spent on the program activities.

The promotion of cultural policy in Montenegro was mainly reduced to individual initiatives, not only during the transition period or during the ten years of independence. It was rarely reduced to the strategically well-designed program and usable state concept compliant with national interests. As for the funds from the budget of Montenegro, the allocation for culture was inclined to theatre or, more precisely, to the Montenegrin National Theatre and summer festivals controlled by the people who are related to this institution. The majority of other institutions obtained only the leftovers of the overall budget allocated for culture. In the past ten years since independence, there have been no significant theatrical events, at least not of greater significance for the rest of Europe or the rest of the world.



► **There were no significant events at the Theatre in the last ten years, at least not significant for the rest of Europe or the world**

Montenegro still does not have cinematography which is sufficiently developed and sufficiently experienced to accomplish some more significant results in this field. The Law on Cinematography was adopted and the setting up of the Movie Centre is expected in the future. The Centre would, among other things, deal with one of the key issues for Montenegrin cinematography. This being, why isn't Montenegro yet a member of important European, not to mention world, movie funds?

According to this year's budget plan, the Ministry of Culture has been awarded 6.79 million euros, which is almost 700,000.00 euros more compared to the previous year. The tenders for co-financing of culture projects are still ongoing (of course, without the possibility of participation of the civil sector). In the civil sector, there appeared several significant organizations dealing with culture, in the last ten years. Many of them, that used to be institutions of the state importance, have been converted into NGO organizations. They still cannot apply for tenders of the Line Ministry, thus significantly disabling the functioning of a great number of associations of artists, publishers, musicians and theatre workers.

*The hope remains that the forthcoming decades will make Montenegro more open and better for people who love arts and who create works of art because, at the end of the day, what remains as a testimony of a period is what artists leave behind them, and this is the evidence that a country has ever existed and meant something in its epoch.*



## CONFUSING CRITERIA

# Who are “distinguished culture creators”?

Law on culture envisages that the Government of Montenegro, after the proposal of Ministry of culture, may award status of “distinguished culture creator” to an artist or professional in culture, whose work and artistic creations have been of great importance for Montenegro.

They have the right to monthly fees for the whole life, since the day of the status awarding, in the amount of one to two average net incomes in Montenegro, which was 488 euros in March. According to conditions specified by the Government and according to proposal of the Ministry of Culture, the status has not been awarded to:

- ▶ Miodrag Šćepanović, sculptor, first award at the Autumn Saloon in Paris
- ▶ Vlatko Gilić, Director, according to NBC, among 50 best film directors in the world. He won Silver Bear at the festival in Berlin
- ▶ Darinka Matić Arović, conductor of the choir
- ▶ Miloš Karadaglić, award-winning classical guitarist



### The creation of great importance for the culture

Status of prominent artists, among others, received: Svetozar Purko Aleksić, Branko Banjević, Radojica Bošković, Jevrem Brković, Gojko Dapčević, Žarko Đurović, Zlatko Glamočak, Filip Janković, Dragan Karadžić, Aleksandar Keković, Novak Kilibarda, Branislav Mićinović, Miodrag Mijo Mijušković, Milija Pavićević, Milika Pavlović, Pavle Pejović, Branimir Popović, Milorad Popović, Vladislav Plamenac, Veljko Radović, Milorad Stojić, Rajko Todorović, Nikola Vavić, Nikola Vujošević, Vojislav Vulcanović, Radmila Vojvodić.



## THE COUNTRY OF EUROPEAN CHAMPIONS

# Sport is highly politicized

Currently, Montenegro is the only country at the European continent that finances umbrella sport organizations (associations) and basic sport organizations (clubs) from the central budget. Montenegrin Olympic Committee has the certain budget line in the Budget of Montenegro, which additionally complicates the system of sport financing. Basic strategic documents do not treat finances intended for sport development from the lottery funds. This makes enough system anomalies for comprehensive analysis and harmonizing of the current system of sport financing, in regards to valid international recommendations and standards.

*Sport in Montenegro is highly politicized. There are not many examples that in the leadership of the Association do not sit functionaries of the ruling parties. This is especially visible in analyzing of Executive boards of national associations of the most popular sports, such as football, basketball and handball...*

### Nepotism in the Skiing association

Nepotism is large problem, and is mostly visible in the Skiing association. Family Kosić holds all positions in the Alps section of the Association. Father is selector, son is representative, mother is timekeeper at the finish line, and daughter is the coach.



► **The country of the European champions, but sport is on margins**

# THE COUNTRY: SERVICE TO CITIZENS



## OMBUDSMAN, STATE AUDIT INSTITUTION, CONSTITUTIONAL COURT

# Obstruction of progress

The fourth branch of power, which has lately made significant steps forward and tends to strengthen its independence, is facing different types of obstructions. The positive trends in the development of these institutions are viewed in light of the fact that they do not have roots in the non-democratic period and, given that they are newly-established, make faster progress and perform their function. Their professionalization is being hindered in a number of ways. Independent regulators, but also other institutions within this branch, are inadequately treated in the Law on Wages in the Public Sector. In other cases, the process of appointment of members of the council is slowed down through the parliament, whereas the third ones are not allocated sufficient funds through the budget or are simply limited by bad pieces of legislation.

The last Progress Report of the European Commission concludes:

“The NAI’s institutional capacity continues to be an issue of concern. The SAI should have 83 staff in total. To date, the NAI has 39 auditors, which is half the number of auditors foreseen. This is insufficient for the NAI’s responsibilities, including a 20% increase in the number of audits in its 2015 audit plan. Limited office space restricts recruitments. The SAI made progress in implementing its 2012-2017 strategic development plan and adopted new rules of procedure in January. It has a structured training policy, including a certification program: 70% of external auditors are certified.”

“The implementation of NAI recommendations needs to improve. The government set up a formal mechanism to follow up on external audit recommendations but it lacks transparency and no time limits are in place for addressing weaknesses. Parliament’s capacity to ensure effective scrutiny over the whole budgetary process, including NAI audit reports and recommendations, needs to be improved.”

The European Commission emphasizes that, in 2014, the Constitutional Court solved more than three times as many cases as during the previous year but that its efficiency needs to be further improved to both cope with the backlog and the influx of new cases and to solve cases within the 18 months provided for by law.

According to the last year’s report, Institution of Ombudsman was the most efficient in processing of citizens’ complaints, for almost 98%. However, according to the EC report, capacities of this institution to resolve complaints effectively are still limited. Its internal organization should be improved in order to implement its broad mandate.



► **NAI has only 39 auditors, which is half of the envisaged number**

“Overall, key institutions in charge of human rights policy, including the relevant ministry, are understaffed and existing staff require further training, particularly on international human rights standards.”

The European Commission indicates that the prosecution has a leading role in criminal investigations but, in practice, cooperation between the police and the prosecution in pre-trial investigations must be improved. The capacity to carry out financial investigations in corruption cases needs to be enhanced as well. As assessed by the European Commission, the special prosecution division within the Supreme State Prosecutor’s Office lacked direct access to relevant databases and specialized expertise. Although a new Special Prosecutor’s Office for the fight against corruption, organized crime, war crimes, terrorism, and money laundering became operational in July, the recruitment of special prosecutors and specialized experts has not been completed.

*“The fight against corruption is being hampered by frequent changes to the relevant legislation and the annulment of verdicts on appeal, mostly on technicalities. The vast majority of corruption allegations submitted to the state prosecution come from members of the public, NGOs, and private companies. Only very few cases are submitted by the police and hardly any complaints result from administrative control and auditing bodies.” – concludes the Montenegro Progress Report of the European Commission.*

# Constitutional court should be more efficient

Since restoring independence, Constitutional court of Montenegro had several phases in its work. After introduction of the constitutional complaint institute in 2007, Constitutional court extended its jurisdiction. In that period, quality of work assessed the European Court of Human Rights, through verdicts in cases “Mijušković against Montenegro” and “Živaljević against Montenegro”, when the European Court indicated that constitutional complaint was inefficient legal remedy. Changes in the Constitutional court in 2014 improved efficiency, which confirmed even the European Court at the end of last year, stating that the constitutional complaint in Montenegro was efficient legal remedy.

## Work of the Constitutional court

	2011	2012	2013	2014
Total number of cases	1,376	1,537	1,529	3,088
Solved cases	574	603	427	1,692
Total number of received cases	840	747	759	1,736
Total number of received cases in the Normative control area	120	106	101	107
Total number of received cases in the Constitutional complaint area	720	641	759	772
Transferred cases from earlier years	536	790	770	1,352
Unfinished cases	790	919	1,352	1,396
Unfinished cases from 2008	10	3	/	/
Unfinished cases from 2009	12	3	1	/
Unfinished cases from 2010	167	51	17	/
Unfinished cases from 2011	581	291	155	19
Unfinished cases from 2012	/	569	384	214
Unfinished cases from 2013	/	/	795	475
Unfinished cases from 2014	/	/	/	688
Unfinished cases from Normative control area	143	146	185	199
Unfinished cases from Constitutional complaint area	646	770	1,167	1,196

## ELECTIONS IN MONTENEGRO

## Lack of confidence in electoral process

Since the recovery of independence, five national elections have been held in Montenegro: three parliamentary elections and two presidential elections.



### Parliamentary elections 2006

Twelve electoral lists participated in the first parliamentary elections held after the recovery of independence, on September 10, 2006. Eight electoral lists managed to win a sufficient number of votes to enter the parliament. A total of 345,757 voters voted.

Electoral list	Number of votes	Number of mandates
COALITION FOR EUROPEAN MONTENEGRO – MILO ĐUKANOVIĆ	164,737	41
SERBIAN LIST – ANDRIJA MANDIĆ	49,730	12
SNP-NS-DSS-COALITION: SOCIALISTS PEOPLE'S PARTY-PEOPLE'S PARTY-DEMOCRATIC SERBIAN PARTY	47,683	11
MOVEMENT FOR CHANGES – NEBOJŠA MEDOJEVIĆ	44,483	11
„LIBERALS AND BOSNIAK PARTY – RIGHT IN THE PAST, RIGHT FOR THE FUTURE“ MIODRAG MIKO ŽIVKOVIĆ	12,748	3
DUA – FERHAT DINOŠA	3,693	1
COALITION DEMOCRATIC UNION IN MONTENEGRO – DEMOCRATIC PROSPERITY PARTY, MEHMET BARDHI	4,373	1
„ALBANIAN ALTERNATIVE“	2,656	1

The OSCE / ODIHR mission assessed that the election process mainly took place in line with the commitments undertaken by the OSCE and other international standards for democratic elections, although a number of repeating challenges is still to be responded to. The Centre for Democratic Transition (CDT) criticized the lack of readiness of the authorities to incorporate good practices and procedures determined in the referendum on independence into the electoral legislation.



## Presidential elections 2008

The first presidential elections after the recovery of independence were held on April 6, 2008. A total of 334,455 voters voted. Four candidates participated in the elections, and Filip Vujanovic won with more than half of the valid votes. Consequently, he was elected as the President of Montenegro in the first election round.

Candidate	Number of votes
Filip Vujanović	171,118
Andrija Mandić	64,473
Nebojša Medojević	54,874
Srdan Milić	39,316

OSCE / ODIHR and PACE claimed that almost all aspects of the elections were in line with the commitments undertaken by the OSCE and Council of Europe standards for democratic elections. It was pointed out that the continued evidence of a vague distinction between state and party structures were still in conflict with the Copenhagen Document. In addition, CDT pointed out the contradictions and shortcomings in the electoral laws, and the delay in the harmonization of electoral legislation with the Constitution of Montenegro.

## Parliamentary elections 2009

Sixteen electoral lists participated in the parliamentary elections held on March 29, 2009, eight of which won MP mandates. A total of 329,819 voters voted.

Electoral list	Number of votes	Number of mandates
EUROPEAN MONTENEGRO – MILO ĐUKANOVIĆ	168,290	48
SNP-SOCIALISTS PEOPLE'S PARTY – SRĐAN MILIĆ	54,547	16
NEW SERBIAN DEMOCRACY - ANDRIJA MANDIĆ	29,883	8
MOVEMENT FOR CHANGES – WE CAN – NEBOJŠA MEDOJEVIĆ	19,546	5
UDSH – DUA FERHAT DINOSHA	4,747	1
FORCA – NAZIF CUNGU	2,939	1
ALBANIAN LIST – LISTA SHQIPTARE: DEMOCRATIC UNION IN MONTENEGRO – LIDHJA DEMOKRATIKE N Ë MAL TË ZI – MEHMET BARDHI & ALBANIAN ALTERNATIVE – ALTERNATIVA SHQIPTARE – GJERGJ CAMAJ	2,898	1
„ALBANIAN COALITION – PERSPECTIVE” „KOALICIONI SHQIPTAR – PERSPEKTIVA”	2,619	1

The observation mission of the OSCE / ODIHR, OSCE PA, and PACE assessed that the elections met almost all the requirements of OSCE and Council of Europe, although even this electoral process emphasized the need for further democratic development. The main challenge remained the public trust. Frequent allegations of election fraud and mixing state and party structures created a negative atmosphere among many voters.

CDT assessed that the elections were generally conducted in compliance with the law and fundamental freedoms, but with insufficient incorporation of the recommendations of the international community given in order to increase the democratic potential of electoral legislation. CDT urged the new parliament to begin serious work on the reform of electoral legislation.

In September 2011, after four years of negotiations, the Montenegrin Parliament adopted amendments to the Law on Election of Local Parliament Members and Members of the Parliament. The harmonization of electoral legislation with the Constitution of Montenegro was one of the key requirements of the EU to open the accession negotiations with Montenegro. The amendments incorporated some recommendations of the OSCE / ODIHR and the Venetian Commission, but not all of them. The adoption of the law required two-thirds majority. Albanian national parties did not provide support to the law, expressing their concern that the new provisions would have a negative impact on the representation of ethnic Albanians in the Parliament. During 2011 and 2012, it was decided to amend the Law on Financing of Political Parties, since the NGOs pointed to campaign financing as one of the key issues of the electoral process.

### Parliamentary elections 2012

Thirteen electoral lists participated in the parliamentary elections held on October 14, 2012, eight of which won MP mandates. A total of 362,714 voters voted.

Electoral list	Number of votes	Number of mandates
EUROPEAN MONTENEGRO COALITION – MILO ĐUKANOVIĆ	165.380	39
DEMOCRATIC FRONT – MIODRAG LEKIĆ	82.773	20
SNP – SOCIALISTS PEOPLE’S PARTY – WORDS AND ACTS	40.131	9
“POSITIVE MONTENEGRO” – DARKO PAJOVIĆ	29.881	7
BOSNIAK PARTY – RAFET HUSOVIĆ	15.124	3
FORCA FOR UNITY – FORCA PËR BASHKIM – GENCI NIMANBEGU – VASEL SINISHTAJ – ZANA SARVAN	5.244	1
ALBANIAN COALITION: DEMOCRATIC UNION IN MONTENEGRO, DEMOCRATIC PARTY AND ALBANIAN ALTERNATIVE COALITION SHQIPTAR: LIDHJA DEMOKRATIKE NË MAL TË ZI, PARTIA DEMOKRATIKE DHE ALTERNATIVA SHQIPTARE	3.824	1
CROATIAN CIVIC INITIATIVE (HGI) – DECISIVELY	1.470	1

The limited OSCE / ODIHR mission assessed that the elections were held in a peaceful and pluralistic atmosphere, with further harmonization of the ways of implementation of democratic elections with OSCE commitments. However, it was stated that a great number of allegations about the intertwining of state and party activities and the election irregularities pointed to the lack of public confidence in the electoral process. It was recommended that the compilation of voters' lists should be improved, as well as the supervision of financing of election campaigns and consideration of complaints in order to bring greater public confidence to the electoral process.

### Presidential elections 2013

Two candidates participated in the presidential elections held on April 7, 2013, - Filip Vujanovic and Miodrag Lekic. A total of 326,803 voters voted. Filip Vujanovic won 161,940 votes and Miodrag Lekic won 154,289 votes.

The elections were marked by contesting the constitutionality of the third consecutive candidacy for the president by Filip Vujanovic, which was legally brought to an end in the manner that the Constitutional Court assessed that the candidacy was not against the constitution. However, this issue continued to burden the process politically. In addition, the elections were burdened with numerous allegations of abuses of state and municipal resources for electoral purposes by the ruling party. The OSCE / ODIHR reiterated that the unclear border line between the state and the party is not in accordance with paragraph 5.4 of the Copenhagen Document of the OSCE from 1990. This problem culminated in the "Affair Recording" when recordings in which state officials and officials of the DPS talked about the system of selective recruitment of supporters were made public.

The election day was held in the atmosphere of distrust and, for the first time since 2000, without the presence of observers from non-governmental organizations. On the election night, both candidates declared victory and the supporters of Miodrag Lekic did not accept the result of the election, presenting allegations of numerous irregularities.

*"Affair Recording" and the events during the presidential elections resulted in the establishment of a parliamentary working group with the task to build confidence in the elections through legislative changes. In 2013 and 2014, the parliament, together with representatives of NGOs and the international community, prepared and adopted amendments to the Law on Election of Local Parliament Members and Members of the Parliament, and the new Law on the Voters' List and the Law on Financing of Political Parties and Electoral Campaigns. The work on the electoral legislation was accompanied by a serious political crisis, protests of a part of the opposition, and negotiations on transitional government with the task to organize fair and free elections. Parliamentary elections will be held in the year of celebration of a decade of the recovery of independence. The electoral legislation should be fully implemented within these elections.*

**61%**

of citizens do not believe that elections are fair and free  
(CDT research, February 2016)

## BREAKING THE RULES OF THE GAME

### “One employee, that is four votes”

Memories are still fresh of the recording known as "Masan, make the choice," in which activists of the Democratic Party of Socialists (DPS) and the State Security Agency convinced a host from Zeta to vote in 2006 for an independent Montenegro and in return his electricity bills would be paid. Although there was a video recording of this event, there was no response from the competent state bodies and no one has been prosecuted.

The “Recording” affair from 2012 showed, through audio recordings from sessions of DPS, how public funds and institutions are misused for party political purposes. Through the Employment Agency and projects, the formula of secure voice: “we will try to employ only our people, members of the DPS. One employee, that is four votes. If we are able to employ our man we have reduced them one vote, and increased it to us.”

The court follow-up showed that most of the criminal charges submitted to prosecution in connection with this affair were dismissed.



► European Parliament invited Montenegro to adequately respond on the “Recording” affair

One-shot social assistance in Pljevlja, on the eve of the elections of 2012, was the trigger for the new criminal charges. The first instance verdict acquitted ten people accused due to lack of evidence. In February 2015 the High Court in Bijelo Polje reviewed the decision of the Basic Court in Pljevlja from September 2014, and imposed more severe sanctions for the director of the Social Welfare Center and officials of that institution. The others had a retrial that ended with the imposition of six-month probation.

In May 2015, the Basic Court in Podgorica sentenced five people for purchase of ID cards on behalf of the ruling DPS, prior to the local elections in Podgorica in May 2014. One of the accused was sentenced to five months in prison and the others were given suspended sentences. Six persons were acquitted of all charges. The investigation failed to clarify who ordered the purchase of ID cards.

Out of ten criminal charges, which the Socialist People's Party (SNP) filed against those responsible for abuse of the right to vote during the 2008 presidential elections and local 2013 elections, the State Prosecutor's Office dismissed half of them, while the fate of the remaining is uncertain.

Regarding the issue of elections and electoral abuses, in the last Progress Report on Montenegro the European Commission clearly indicates that "the judicial follow-up on the alleged misuse of public funds for party political purposes remains to be completed and political responsibility ensured."

*The European Parliament, in its last resolution on Montenegro in March this year, "calls on the government to fully implement the new electoral legislation prior to any new elections and to further strengthen the State Election Commission, which needs to effectively fulfill its mandate." The European Parliament has concluded that there is progress made on the judicial follow-up of the "Recording" affair, but they insist once again on the need for a due political follow-up.*

### Cases:

- ▶ The Committee for the Selection and Appointment of the Municipality of Pljevlja supported the choice of Nada Borović for the local parliament member from DPS, despite the fact that she was convicted for abuses during the elections, along with nine DPS activists, to six months suspended sentence in prison due to abuse in the distribution of one-shot financial assistance.
- ▶ Montenegrin President Filip Vujanović granted an amnesty to the activist of the Democratic Party of Socialists (DPS) Petar Koljčević, convicted of forgery of five signatures in the voters' list in the 2008 presidential elections. Koljčević was sentenced to 30 days in jail and payment of 759 euros in court costs for forging the signatures of 14 people.
- ▶ Zoran Jelić, one of the main actors of the affair „Snimak“, who is still Member of the Parliament of Montenegro

## OPEN GOVERNMENT PARTNERSHIP

## The court proved highhandedness of one man

The goal of the global initiative, Open Government Partnership (OGP), is to help governments to be more transparent, efficient, and reliable – with institutions that encourage and motivate people to react. The Government of Montenegro accessed OGP in 2011, and soon after that established the Operational Team for Implementation of Open Government Partnership that would be composed of government representatives and representatives of the civil sector. However, after almost five years, since accessing OGP, we had created an inadequate first action plan that was too general and without clear indicators for the monitoring of implementation, and at the end it was an inadequate implementation.

Devotion of the Operational team to improvement of current solutions, with its previous leader, was at a high level. However, the Government expressed a lack of political will to adopt proposals and suggestions, and made clear that it did not want to work essentially on fulfillment of all of these goals.

With the arrival of Srđan Kusovac, new Head of the Public Relations Bureau, the bureau stopped adequately communicating with the civil sector, and all initiatives and tools that were implemented until then reached the closing phase. The reports on implementation of any of the above mentioned projects and the action plan were not drafted.





In the frame of the Secretariat General, at the end of 2014, the PR Bureau initiated the procedure of establishing a new Operational Team, and for civil society representatives it published the Public Call in Cooperation with the Office for Cooperation with Non-governmental Organizations. When the Public Call expired, the Operational Team was established with severe abuse of all procedures whose goal was to provide transparency, independence, and professionalism in the decision making process.



- **Srđan Kusovac, Head of the Public Relations Bureau, directly impacted on the illegitimate and illegal selection of NGO members of the Operational Team**

Head of the Public Relations Bureau of the Government of Montenegro made several abuses and impacted on illegitimate and illegal election of NGO members of Operational Team. This proved the verdict of the Administrative Court that annulled this decision. After that, the Head of the PR Bureau made the step forward and proposed to the government a new decision on defining the need for the establishment of a new Operational Team, but this time with a new name. The whole procedure was conducted with violation of fundamental rules of the procedure, and at the end with the will of just one person. The head of the PR Bureau for two areas in the team appointed two civil sector representatives, who, he said, did not fulfill the conditions prescribed by the call. Between two equal candidates, he made decisions without respecting procedures, subjectively and without explanation of criteria.

*Bearing in mind the harm caused by such treatment and work of one public employee, when it comes to processes of improving transparency, responsibility, independence, and professionalism – or all the matters his team supposed to strive for – after the final verdict of the Administrative Court, Civic Alliance filed criminal charges against the Head of the PR Bureau of the Government of Montenegro.*

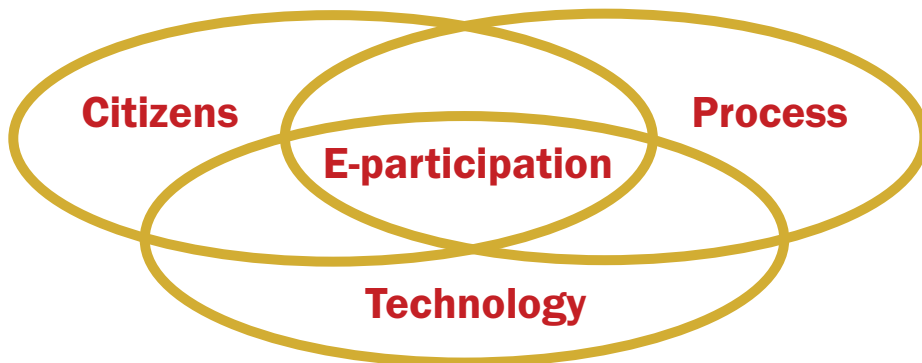
## USE OF MODERN TECHNOLOGIES FOR CIVIC PARTICIPATION

## One petition in four years

The Voice of Citizens e-petition is a portal that aims to allow citizens to participate in the creation of public policies, through filing petitions with the Government of Montenegro electronically. The project officially started in October 2012, and has been implemented in cooperation with the United Nations Development Program (UNDP Office in Podgorica). Portal “Voice of a citizen” (Glas građana) allows all adult Montenegrin citizens who have an identity card, and foreigners with permanent residence in Montenegro who have identity cards, to file petitions in any area in the frame of competences of the Government of Montenegro.

During the last 42 months, only two petitions were declared; while 46 were filed, 24 did not manage to collect the sufficient number of signatures, and 20 petitions were rejected because they did not fulfill conditions.

A petition that received support required urgent construction and/or upgrading of kindergartens in Podgorica, Bar, and other municipalities where the problem of limited accommodation capacities exist. It was voted on at the end of 2012, and was later adopted at a session of the government. Implementation of the petition is in course. Another petition, “Police Academy in Danilovgrad to be named after Slavoljub Slavko Ščekić,” was supported at the beginning of 2013, but was afterwards rejected at a session of the government. The lack of platform is reflected in the fact that support for these two initiatives were collected offline, or more precisely, by signing the petition on boulevards of cities, which implies that the platform did not succeed in doing what it was supposed to – make it easier for citizens to participate.



The government has tasked the Operational Team to work on the preparation of recommendations for improvement of this portal and later rejected part of the important conclusions of that body. Some of the key suggestions were a reduced requirement for number of signatures from 6,000 to 3,000, which is appropriate to the levels of computer literacy, the level of the internet use, and the overall social and economic conditions in Montenegro, and extension of the deadline (from two to three months) by which it is necessary to collect signatures. The Platform “Voice of citizens” is not translated into Albanian or the Roma language, and does not give the opportunity to address local self-governments, while additional complications and searching of additional data distance citizens from the provision of support with petitions.

Rejecting the most important suggestions, the Government did not show that it shared capacities of the Operational Team. In that manner, the current situation has not been resolved, in which the platform was stultified due to inadequate criteria. The fact that there were no active petitions on this portal for almost a year and a half, and that no petitions were submitted, best explains functionality of this instrument.

*Will such limitations and insufficiencies cause citizens to lose confidence and enthusiasm for similar future projects that will eventually be implemented in the frame of OGP? Does this implementation of the partnership fulfill final goals for which the platform was initiated?*



The screenshot shows the homepage of the 'Glas građana' e-Petition portal. The header features the coat of arms of Montenegro and the text 'Glas građana e-Peticije latinica | cirilica'. A navigation menu includes 'Početna', 'Peticije', 'Dokumentacija', 'Uputstva', 'Novosti', and 'Kontakt'. The main content area is titled 'e-Peticije' and contains a welcome message to citizens, a 'Statistika' section showing 0 active and 2 issued petitions, and three buttons for 'Glasaj za petciju >>', 'Podnesi petciju >>', and 'Opširnije >>>'. At the bottom, there are three categories: 'Najnovije peticije', 'Peticije koje ističu', and 'Peticije sa najviše glasova'.

**Glas građana**  
e-Peticije  
latinica | cirilica

Početna Peticije Dokumentacija Uputstva Novosti Kontakt

### e-Peticije

Poštovani građani,

Dobrodošli na „Glas građana” – portal na kome svaki punoljetni državljanin Crne Gore ili stranac sa stalnim nastanjenjem u našoj zemlji može podnijeti ili glasati za elektronsku petciju koja se odnosi na neku od oblasti rada Vlade Crne Gore. Svaka petcija koja u roku od 60 dana dobije podršku najmanje 6.000 građana biće od strane nadležnog ministarstva pretočena u formalnu inicijativu i podnijeta Vladi na razmatranje.

Cilj „Glasa građana” je da, na jednostavan način, omogući građanima da svojim konstruktivnim inicijativama pomognu Vladi u njenom opredjeljenju da obavlja ustavne nadležnosti po mjeri i u najboljem interesu svih građana Crne Gore.

Opširnije >>>

**Statistika**

Aktivnih peticija:	0
Izglasanih peticija:	2

**Glasaj za petciju >>**

**Podnesi petciju >>**

**Najnovije peticije**      **Peticije koje ističu**      **Peticije sa najviše glasova**

## Official vehicles for private purposes

When it comes to abuse of public resources, one of the largest problems of Montenegrin society is use of official vehicles for private purposes. A goal of the platform is to provide conditions for citizens to use modern technologies and internet so they can report abuse by documenting of material (photo that describes the situation where abuse occurred).

PR Bureau of the Government of Montenegro, which administrates this platform according to prescribed procedures, is obliged to publish all documented doubts sent in this manner on the website and forward them to public administration bodies for further processing.

Since the launching of the service, three years ago, up to March 2015, the PR Bureau received 233 reports from citizens that have fulfilled criteria for further processing. Reports from citizens were published on the website. Of the total number of reports published on the web site of the government, 204 responses were given but 29 reports did not receive answers.

Functioning of the platform has a falling trend that is reflected in the fact that the number of reports on abuse doubts is becoming smaller. An essential problem is that competent public institutions strive to protect their employees in more than obvious violations. Their responses on eventual violations were irrational, unfounded, and without arguments, and often did not match with the description of the factual situation that is covered by photo and report. Failures are also reflected in the lack of information about the number and eventual manners of sanctioning of officers who misused official vehicles.

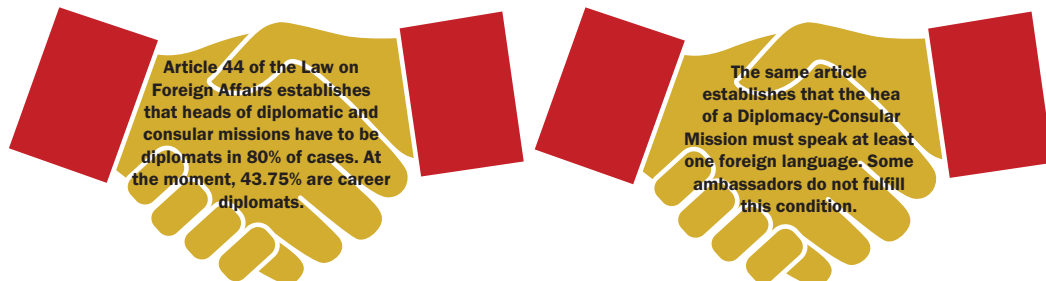
*A smaller number of reports via this platform does not mean that the impact has been made on solving of the problem, but that one good idea did not have a successful implementation and that it was not sufficiently improved. All of this best explains the fact that since the beginning of the year, only three claims were reported for misuse of an official vehicle.*

- ▶ **On the official vehicle of Suad Numanović, Minister for Human and Minority Rights, official registry plates were replaced with his private, during weekends. Driver of the minister was punished and sentenced, but was afterwards amnestied.**



## FOREIGN POLICY

## Incompetent diplomatic service



At the end of April, the National Audit Institution gave a negative opinion on the financial audit and a negative opinion on the regularity audit of the Ministry of Foreign Affairs and European Integrations.

► Source: Ministry of Foreign Affairs and European Integrations



- According to data from the Passport Index for 2016, the passport of Montenegro takes 41st position in the world and gives the opportunity to travel to 101 countries without visas. According to official data from the website of the Ministry of Foreign Affairs and European Integrations, Montenegrins may travel without visas to 68 countries. Lack of harmonization of these data is actually the result of delays of the competent ministry in treating of the visa regime.

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