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Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Post-monitoring dialogue with Montenegro

Information note by the co-rapporteurs on their fact-finding visit to Podgorica (17 – 19 November 2015)

Co-rapporteurs: Mr Terry Leyden, Ireland, Alliance of Liberals and Democrats for Europe, and Mr Ionuț-Marian Stroe, Romania, Group of the European People's Party

1. Introduction

1. The aim of our fact-finding visit in the framework of the post-monitoring dialogue with Montenegro was to look into developments since Resolution 2030 (2015) and assess progress in the implementation of the Assembly's recommendations. We mainly focused on recent political developments, the situation of the media and the issue of trust in the electoral process, in particular with a view to the forthcoming 2016 parliamentary elections. The other issues set as priorities in Resolution 2030 (2015), in particular the reform of the judiciary and the fight against corruption, will be looked into during the co-rapporteurs' next visit in 2016.

2. On 27 January 2015, the Parliamentary Assembly of the Council of Europe (PACE) decided to close the monitoring procedure in respect of Montenegro and to engage in a post-monitoring dialogue in the light of the progress made by the country since 2012. The Assembly underlined "the excellent co-operation between the Montenegrin authorities and the Council of Europe, especially with the Venice Commission" and "their efforts towards European integration". In particular, it welcomed the steps taken by the Montenegrin authorities to fight discrimination and their efforts to host and integrate refugees and IDPs, including through a revised law on foreigners. Nevertheless, PACE stressed that it would be necessary to re-open the monitoring procedure in case the country would not manage to complete a series of reforms – concerning the electoral process, the independence of the judiciary, the fight against corruption and organised crime, and the situation of the media – by the end of 2017.

3. The European Commission had issued its 2015 progress report on Montenegro just before our visit, underlining that eight new negotiating chapters had been opened during the reporting period. Concerning Chapters 23 and 24, it noted good progress in improving the legislative framework for the independence of the judiciary and the fight against corruption. However, it stated that Montenegro needed to make further progress in strengthening the institutional framework and establishing a solid track record in the fight against corruption and organised crime. Ongoing negotiations for Chapters 23 and 24 are of the utmost importance for the PACE post-monitoring dialogue as Montenegro's efforts towards European integration also contribute to consolidating the fulfilment of its statutory obligations to the Council of Europe.

4. Our visit allowed us to better understand the underlying issues, the political dynamics within and between the ruling coalition and the opposition, as well as the obstacles to a settlement of the situation with re-engagement in a constructive political dialogue in the parliament between the majority and opposition. We also noted that the prospect for an invitation to join NATO was an important factor that needed to be taken into account to understand the recent political developments. The ruling parties see joining NATO as a

¹ Document declassifié par le Comité de suivi à sa réunion du 28 janvier 2016.

strategic priority. Opponents to NATO accession expect the authorities to hold a referendum on membership. During our meeting with the ruling Democratic Party of Socialists of Montenegro (DPS), we were informed that the Parliament of Montenegro had adopted a symbolic resolution supporting the country's integration into NATO, where 50 MPs out of 79 had voted in favour. They referred to opinion polls showing that almost half of the population was in favour of joining NATO. Since our visit, on 2 December 2015, the NATO Foreign Ministers decided to invite Montenegro to start accession talks to become the 29th member of NATO. This decision paves the way for accession talks to start in early 2016. Montenegro is expected in this process to continue its reforms: on defence adaptation and domestic reform, especially the rule of law, and to continue to make progress in demonstrating public support for Montenegro's NATO membership. As evidenced by declarations by representatives of the Russian Federation's authorities, such developments will inevitably have effects on Montenegro's relations with the Russian Federation.²

5. During our visit, we met with the President of the Republic, the Prime Minister, the President of the Parliament, the Ministers of Justice and of the Interior, the President of the State Election Commission, the newly established agency for prevention of corruption, the Supreme State Prosecutor, as well as the delegation of Montenegro to PACE, leaders of political factions of the majority and the opposition, representatives of international organisations, medias and NGOs.

6. We would like to thank the Parliament of Montenegro for the programme and kind assistance given to our delegation.

2. Recent developments

7. Some worrying events took place in Montenegro during the months preceding our visit. There has been a boycott of parliament and demonstrations led by the Democratic Front since October 2015, calling for the resignation of Prime Minister Djukanovic and the government and the establishment of a technical government to prepare early elections, claiming that no genuinely democratic elections had been held up to then. According to the protest organisers, the basis for these demands was the numerous corruption scandals and election irregularities that had impaired the conditions for a fair political fight. On 17 October 2015, the police were called in to remove the protestors' camps in front of the parliament, which resulted in disturbances and scuffles, violence and the use of tear gas by the police. In the following weeks, the protests continued. Some protesters were detained - including MPs and journalists - and a number of protesters suffered injuries. According to the Minister of the Interior, some police officers had also been injured during the protests.³ Two opposition MPs from the Democratic Front, Andrija Mandic and Slaven Radunovic were released after spending 24 hours in custody and were charged for "incitement to violent change of the constitutional order" by encouraging protesters to break into the parliament in Podgorica on 24 October. A third MP, Milan Knezevic, was charged with assaulting police officers on 17 October. On 30 October 2015, the office of the Supreme State Prosecutor filed a request to parliament to lift the immunity of the three opposition MPs: for Andrija Mandic and Slaven Radunovic the request was based on suspicion of calling for violent change of the constitutional order in the protest held in front of Montenegrin Parliament, while for Milan Knezevic it was motivated by the suspicion of attacking a police officer during the same protest in Podgorica. On 29 December 2015, the Montenegrin Parliament voted to lift the immunity from prosecution of the three opposition leaders accused of crimes during the anti-government protests in Podgorica in October.

8. The representatives of the ruling DPS that we met portrayed the protests as an attempt to seize State institutions, an attack on the country's independence and an attempt to undermine the invitation to join NATO. According to NGO representatives, public support for the Democratic Front demonstrations had declined during the autumn of 2015. And yet, following the violent dispersal of peaceful protesters and police assault, and in particular based on filmed evidence of police violence against individuals, there was an increased mobilisation of a non-partisan character, with citizens taking to the streets to react to police abuse and use of excessive force.

9. Addressing accusations that the police had broken the law and exceeded their official powers, the Supreme State Prosecutor urged prosecutors' offices to determine whether during the clashes in Podgorica "certain persons [had] committed a criminal offence". Police say their officers did not use coercive or abusive measures in any of the cases mentioned. The National Security Council, chaired by the Prime Minister, considered that the activities of protesters had undermined the constitutional order, security and safety of citizens. The Council for Civilian Oversight of the Police, in its 55th session held at the Assembly of Montenegro on 26 October 2015, on the basis of Article 112 of the Law on Internal Affairs, reviewed the

² <http://www.reuters.com/article/nato-montenegro-idUSL8N13R11R20151202>; <http://www.reuters.com/article/nato-montenegro-idUSL8N13R11R20151202>.

³ <http://www.balkaninsight.com/en/article/montenegro-opposition-protest-against-government-10-24-2015-1>.

complaints it had received concerning the use of police powers and concluded that in the three cases reviewed, police officers had “grossly violated the personal dignity of these citizens”.

10. During our meeting with the Supreme State Prosecutor we were told that investigations were ongoing. Concerning the case of the citizen⁴ who was filmed while being brutally beaten by a group of police officers who also demolished his car, the Supreme State Prosecutor stated that two of the police officers responsible for the injuries had been identified and orders for their detention had been issued. Concerning the other cases, the Supreme State Prosecutor informed us that there were difficulties in identifying the police officers responsible as their faces had been hidden by helmets. In this regard, we would like to recall the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that police intervention forces wear a nametag/identification number on their uniform⁵ allowing for better identification when helmets are in use.

11. It is of the utmost importance that the Montenegrin authorities effectively investigate the above-mentioned violent events in Podgorica in October and November 2015. In the absence of a prompt and effective response to such allegations, law enforcement officials inclined to excessively use force would come to believe that they could do so with impunity. Therefore, prosecutors and judges should take appropriate action when there are indications that ill-treatment by the police may have occurred. We count on the Montenegrin authorities to provide us with information on the follow-up given to the investigations.

12. Bearing in mind that the ongoing political stalemate is mainly derived from the contestation of the last presidential elections, considered by the opposition as fraudulent, there is a need to restore trust in the electoral process ahead of the 2016 elections.

3. Trust in the electoral process

3.1. *Aftermaths of previous elections*

13. As mentioned above, the longstanding political stalemate was mainly related to the mistrust in the electoral process and derived from the contestation of previous elections that had been marred by allegations of abuse of state resources for electoral purposes (closely linked to the issue of campaign financing), vote-buying/buying of IDs and irregularities in the voters' register.⁶ In particular, the so-called 'audio-recordings' were shown by the opposition and civil society as an evidence of the growing politicisation of public administration in Montenegro and of misuse of public funds.⁷

14. In order to better understand the situation, it is important to look back to the aftermaths of the 2013 presidential elections. In its report on the observation of the 2013 elections,⁸ the PACE ad hoc committee concluded that on polling day the citizens of Montenegro had been free to make their choice between the two presidential candidates. The ad hoc committee had been informed by the ODIHR limited election observation mission and by NGOs and media representatives of cases of alleged vote-buying and of misuse of administrative resources by the ruling coalition and that some 40% of jobs in Montenegro were directly or indirectly tied to the various public administrations. It considered that this election had met many Council of Europe standards and commitments but that, in practical terms, further improvements were required to ensure an electoral process free from misuse of State resources. The report also referred to the joint opinion of the Venice Commission and the OSCE/ODIHR (adopted in 2011) stating that the 24-month residential condition for voters was over-restrictive because excessively long.⁹

3.2. *Political dialogue*

15. After the 2013 elections, the Democratic Front had started boycotting parliament, as it considered that the elections had been rigged. In order to put an end to the boycott, an agreement was found in parliament between political leaders to set up two working groups respectively on building trust in the election process and on the audio-recordings.

⁴ Milorad Martinovic case

⁵ <http://www.cpt.coe.int/documents/mne/2014-16-inf-eng.pdf>.

⁶ Information provided by the opposition and NGO representatives.

⁷ On 19 February 2013, ahead of the 2013 presidential elections, the transcript of a meeting of the board of the ruling DPS party concerning the election campaign for the parliamentary elections in October 2012 was published mentioning instances of DSP sympathizers who had allegedly received preferential treatment in obtaining civil service jobs.

⁸ Election observation report [Doc. 13217](#) 30 May 2013, Observation of the presidential election in Montenegro (7 April 2013).

⁹ This legal requirement has not been changed since then.

16. Further to the work of the working group on the election process, a number of changes were made to the electoral legislation in February and March 2014, namely to the Law on the Voter Register, the Law on Amendments to the Law on Financing of Political Parties, the Law on Amendments to the Law on Identity Cards and the Law on Local Self-Government, and the Law on the Election of Municipal Councillors and Members of Parliament. The law on political party financing and the law on the single voters' register were adopted without cross-party consensus. The other laws were adopted with the support of all political groups. The new legislative framework provided for changes *inter alia* in the composition of the State Election Commission and introduced a system of electronic identification of voters and centralised management of the voters' register by the Ministry of the Interior.

17. Following a complaint by representatives of the DPS, the Bosniak Party, and the Croatian Civil Initiative, the Constitutional Court struck down a number of the provisions of the law on political party financing, in a decision of June 2014 that was controversial in Montenegro. The Constitutional Court had declared the majority of the provisions of the law unconstitutional, in particular concerning the prohibition of temporary employment before and after the elections and the banning of certain expenditures by local authorities during election periods. In December 2014, the parliament amended the law on political party financing again, leaving out the controversial provisions and focusing on strengthening the provisions to prevent misuse of public funds.

18. A Socialist People's Party's representative we met complained in particular that no proper solution had been found in these political agreements with regard to the law on citizenship and the law on registers of temporary and permanent residence although they were a prerequisite to restore trust in election processes.

19. According to the Democratic Front's representatives, their attempts to negotiate within the parliament had failed as the political agreement on the electoral rules that had been reached between the political forces had then been turned down by the Constitutional Court. They considered that under the current rules, the elections could not be held fairly and that the only possible way out was boycotting parliament, protests and resignation of the government and setting up of a technical government to organise fair elections. Other opposition parties we met in parliament insisted on the need to restore political dialogue so as to restore trust in the electoral process and considered that the dialogue has to take place in parliament.

20. At its sitting held on 31 July 2015, the Parliament of Montenegro adopted the Decision on establishing the Committee on Monitoring the Implementation of laws and other regulations important for building trust in the electoral process, according to which the Committee would monitor the implementation of provisions of the laws and regulations related to the following issues: election of councillors and Members of Parliament; election of the President of Montenegro; electoral roll; financing of political entities and electoral campaigns; temporary and permanent residence registries; Montenegrin citizenship; personal identity card; as well as provisions of the Criminal Code of Montenegro concerning criminal offences against electoral rights. The Democratic Front said it would not participate in the work of the Committee as it would continue boycotting the work of the parliament. Consequently, the Speaker of Parliament initiated an initiative towards restoring political dialogue in parliament and held informal meetings with the heads of opposition parties. The Democratic Front regrettably rejected the initiative.

3.3. *Institutional framework and the state of preparation of the forthcoming elections*

21. In its Second Compliance Report of the Third Evaluation Round on Montenegro,¹⁰ adopted on 8-12 December 2014, GRECO welcomed the efforts displayed to enhance transparency of party funding, to better identify financing sources, to strengthen financial discipline of political parties through more stringent accounting and auditing obligations and to provide for a broad range of sanctions when infringements occur. And yet, it took note of the difficulties encountered to undertake the reforms in the party funding field, and the misuse of public office and public funds during elections. According to GRECO, it was essential to ensure implementation and enforcement of legislation on the ground, and to ensure that the oversight responsibilities conferred to the State Audit Institution and the State Election Commission (the latter to perform party funding supervisory tasks until the Anticorruption Agency starts to operate in January 2016) be effectively performed in practice, and that citizens' complaints received appropriate follow-up.

22. Based on the Bill on the Prevention of Corruption, an independent anti-corruption agency, unifying and strengthening the competences of all the existing institutions combating corruption in Montenegro, will be established as of January 2016. The agency will exercise its jurisdiction in preventing conflict of interest, restricting the exercise of public functions, checking property cards, gifts, donations and sponsorships as well

¹⁰ [https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2014\)17_Second_Montenegro_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2014)17_Second_Montenegro_EN.pdf).

as protection of whistle blowers. Apart from the competences prescribed by this law, the agency will monitor the implementation of the Law on Lobbying and the Law on Financing Political Parties. We met with the already appointed Director and the Council of the Agency for the prevention of corruption. We discussed the new task given to the Agency with regard to implementation of the law on political party financing and we insisted on the importance of implementing the law effectively to restore trust in the electoral process. We were informed that the staff for this function would have to be hired and that the implementing regulation for the law still had to be prepared.

23. We would like to reiterate our insistence that the Agency be in a position to effectively carry out its tasks without delay and especially ahead of the next general elections. The Agency needs to be fully operational as of January 2016. We expect that premises be put at its disposal on time and that all the necessary resources are allocated, enabling it to carry out its supervisory functions in a proactive way. We consider that the Agency could highly benefit from Council of Europe technical assistance to support the implementation of the legislation on the prevention of corruption.

24. The issue of the overall implementation of election legislation was raised by a number of our interlocutors. Worries were expressed by representatives of the opposition that the voters' list and the electronic identification system would not be completed on time. The issue of the implementation of the law on residence, the maintenance of the registry of people living outside the country and the discrepancies between citizens' registers and voting lists were also raised by the opposition. They claimed that there had been delays in the procurement and delivery of equipment, and that the Ministry of the interior had not yet drafted the instructions on the use of electronic devices. In addition, they underlined that the State election commission (SEC) had failed to link the citizens' registers to the voters' lists and that the SEC had no power on municipal election commissions, which had not yet defined the addresses corresponding to the polling stations. They feared that the electronic system would not be operational on time and that it would collapse during elections. In addition, doubts were expressed with regard to the capacities of the new Agency for prevention of corruption to monitor the electoral process. They insisted that the elections should not be called until all the preconditions for fair elections were met.

25. According to the information provided by the authorities ahead of our visit,¹¹ following the development of a software solution for the management and synchronisation of the voters' list at the beginning of 2015, the devices for electronic identification of the voters at the polling stations had been procured in June 2015. The contract for procurement of the equipment for electronic identification of the voters and the related software, amounting to EUR 1.5 million, had been signed with an Austrian company. According to the contract, all 1,200 devices would be procured and delivered in four distribution stages of 300 devices each, the last one being delivered in January 2016 (the first delivery would be in November 2015, the second and third in December 2015, and the fourth one at the end of January 2016). The software to be installed in the terminals would be developed by the end of December 2015. During our meeting with the Minister of the Interior, we were told that all terminals would be delivered by March 2016, and that in January 2016 the software for electronic verification of voters would be ready.

26. According to the Minister of the Interior, the electoral preparation process under his responsibility had been carried out on time, namely the preparation of the registers of nationals, of permanent residents, of births and deaths, which constituted the foundation for the electoral roll. Thanks to the new software, an interface existed between the four registers that would result in the list of eligible voters. The electoral roll had been established in February 2015 and was being updated. He nevertheless underlined that in order for him to be able to fully implement the electoral law, the State election commission and municipal election commissions still needed to issue decisions on polling stations and addresses. We were told that all the related legislation under the competence of the Ministry of the Interior had been adopted. On 20 August 2015, the Government adopted the Decree on content and manner of use of the software for managing the voters' list, about keeping, displaying and closing the electoral register, as well as other issues of importance for accurate and timely conduct of the electoral register. The Ministry of the Interior stated that it had done its part of the work and that the actual administration of the elections would then be the task of the State election commission, which was in charge of the actual preparation and organisation of the elections.

27. During our meeting with the Director of the State election commission, we did not manage to get precise information on the state of preparation of the elections. We reiterate the importance of ensuring an effective monitoring system before and during election campaigns. The SEC should be in a position to effectively exercise its supervisory and monitoring functions. Strengthening the capacities of the State election commission is highly recommended and a pre-electoral assistance programme could be beneficial

¹¹ Information on the activities undertaken by Montenegro for meeting the recommendations in Resolution 2030(2015), sent by the Montenegrin national delegation, November 2015.

for the proper functioning of the election administration, providing that there is sufficient time ahead of the forthcoming general election.

28. We were informed by the Ministry of the Interior that the new system of identification of voters would be tested during the local elections in Tivat in March 2016 and that the system would then be ready for the general elections. We heard that some political forces favoured early elections at the beginning of 2016 and we expressed the view that calling the elections too early could be detrimental to their preparation. We were told by the Speaker of Parliament that the date foreseen for the elections was 20 October 2016 and that only an absolute majority in parliament could call for early elections.

4. Situation of the media

4.1. Media freedom

29. In recent years Montenegro has strengthened the legislative framework governing media freedom. Concerning the media landscape, the reports by Commissioner for Human Rights and Freedom House¹² highlight that despite Montenegro's wide range of media, the diversity is hampered by the reported influence on media content by political and business interests. The media landscape is highly polarised along political lines. While technically transparent, media outlets are allegedly frequently owned and controlled through non-transparent legal constructions of indirect or hidden ownership, linked to political affiliations or economic interests of the true owner of a media outlet. Media concentration is also an issue of concern. The 2015 EC Progress report¹³ raises concern about transparency and non-discrimination in State advertising, and notes that some major private media outlets are at risk of bankruptcy due to high tax debts. The fact that many media outlets are not financially sustainable has a negative impact on the quality of reporting and professionalism.

30. According to the NGOs and media representatives we met, the polarisation of the media has reached a new level as they allegedly serve as a means of pressure by politicians and businessmen to defend or promote vested interests. NGOs and media representatives have complained about smear campaigns carried out against some of their members, aimed at compromising their personal and professional integrity and undermining their work. Media workers are allegedly used as a tool for political pressure, reprisal and threat. They also denounced the failure of the authorities to promptly investigate such attacks and take effective measures.

31. As highlighted in previous PACE reports on Montenegro, there are problems with regard to professional and ethical standards, and self-regulation remains inefficient, notably because self-regulatory bodies are split along political lines, similar to media divisions. We were pleased to hear that a working group composed of a wide range of media representatives, supported by experts from the Office of the OSCE Representative on Freedom of the Media and the Council of Europe, had agreed on a revised Code of Ethics, which was adopted after our visit on 25 November 2015. This inclusive process is a positive step, in particular in the current polarised and confrontational climate. We hope that this exercise will pave the way for joint efforts by all media outlets towards strengthening self-regulation in the country. We encourage the working group to continue its efforts to ensure the unanimous implementation of the Code of Ethics across the media sector.

32. Concerning advertising in the media in Montenegro, NGOs and media representatives expressed concerns regarding the lack of regulation and non-transparent advertising. Consequently, the majority of public money was allegedly granted to the public broadcaster RTCG, the previously State-owned Pobjeda media, and media with pro-government affiliations, to the detriment of media more critical of the government.

33. The public broadcaster RTCG is financed through contributions from the State budget, advertising revenues and other income from sales of audio-visual works and sponsorship. RTCG thus relies for the major part of its income on State money. RTCG faces financial difficulties, and the situation makes the public broadcaster vulnerable and puts at risk its independence and freedom in editorial decisions. In its 2015 progress report, the European Commission noted that amendments to the law on public broadcasting services, which would provide more financial independence and sustainability to the public broadcaster RTCG, were yet to be adopted.

4.2. Safety of journalists

¹² Freedom of the press [report](#) 2015; [Report](#) by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Montenegro, from 17 to 20 March 2014 .

¹³ http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_montenegro.pdf.

34. While journalists and NGO representatives acknowledged that there is no censorship in Montenegro and that any content can be published, they denounced the reprisals following controversial publications, which can range from financial restrictions to intimidation, threats and physical attacks. Allegations by journalists of physical attacks by the police while they were reporting on the protests by opposition parties in front of the parliament are worrying. A number of journalists were also arrested for covering the protests and the related arrests, and were then facing misdemeanour charges.¹⁴ We would like to reiterate that members of the media must be able to report on matters of public interest in a free and safe manner. Law enforcement agencies are responsible for protecting journalists and these arrests must be thoroughly and swiftly investigated.

35. We met with the Commission for monitoring the actions of the competent authorities in the investigation of cases of threats and violence against journalists, established in November 2013. Over the last year, there had obviously been difficulties within the Commission, which had not functioned efficiently. We witnessed mutual accusations and strong disagreements between members, in particular between the representatives of journalists and those of the law enforcement agencies. There had been no concrete results of investigations into cases of attacks against journalists since the creation of the Commission. There were allegations of conflicts of interest of some members, and we were told that documents produced by the police were not usable as all personal data had been struck-through, which made them unreadable. The representatives of the Ministry of the Interior explained that they had followed the opinion of the Agency for Personal Data Protection.

36. And yet, there was a consensus amongst all the members that the establishment of the Commission had been a positive step, as it had helped improve the environment for the journalists' work. All our interlocutors acknowledged that the climate had generally become safer, with a decrease of cases of violence against journalists. As the Commission had not managed to function effectively, some members considered that thought should be given to the follow-up to the Commission after the end of its mandate in December 2015. According to them, there should be a change in the composition or in the functioning modalities in order to allow for an effective functioning. They underlined that there should be political will for the Commission to be able to carry out its work. We deem it necessary to maintain and enhance a structure that would produce results in the identification of responsibilities in all cases of violence and intimidation against journalists without delay, so that the perpetrators and those having given the orders are brought to justice. There is a need for strong political will to put an end to the atmosphere of impunity which threatens journalists.

4.3. *Media coverage of elections*

37. The media representatives we met complained about the use of the public service and media during previous election campaigns. They referred to the findings and recommendations of the OSCE/ODIHR Election Observation Report on the 2013 presidential elections.¹⁵ The report highlighted unbalanced reporting on government activities in news programmes with no clear distinction between State activities and party campaigning, and the absence of an effective, independent body in charge of monitoring media coverage of the campaign and its compliance with legislation. The report recommended that electoral legislation be amended to include specific provisions addressing the role of the media during a campaign, including provisions for the establishment of an independent authority overseeing media conduct during elections with the capacity to effectively deal with media-related complaints. We did not receive precise information on the follow-up given to these recommendations. The Agency for the prevention of corruption mentioned that monitoring media coverage of elections was also part of its mandate.

5. Conclusions

38. Montenegro plays an active role in regional cooperation and contributes to good neighbourly relations. We would like to reiterate our appreciation of the continuing positive role played by Montenegro in stabilising the region, and in setting a good example to other countries of the region in its negotiations for EU membership.

39. We welcome a number of reforms instigated since the adoption of PACE Resolution 2030 (2015) in January 2015: the electoral framework, the fight against corruption, as well as the judiciary. The reform

¹⁴ See reports on the Platform to promote the protection of journalism and safety of journalists <http://www.coe.int/en/web/media-freedom>.

¹⁵ <http://www.osce.org/odihr/elections/103093?download=true>.

processes need to be followed up to secure full implementation of the newly-adopted laws, so as to ensure their sustainability. We welcome the establishment of the Office of the Chief Special Prosecutor for organised crime and corruption, war crimes and human trafficking. We encourage the relevant authorities to establish without delay the related special police unit to allow for actual functioning of the chief special prosecutor office. We insist on the need to enable the Agency for the Prevention of Corruption to effectively carry out its functions as of January 2016, and we expect that all the necessary resources will be allocated to it. We consider that the agency would greatly benefit from Council of Europe technical assistance to support the implementation of the legislation on prevention of corruption. We plan to look further into the issues of the fight against corruption and reform of the judiciary during our next fact-finding visit in 2016.

40. Following the violent incidents in Podgorica in October and November 2015, it is of the utmost importance that the Montenegrin competent authorities effectively investigate and take appropriate action to ensure that there is no impunity in cases of abuse of force by law enforcement officials. We count on the authorities to provide us with information on the follow-up given to the investigation.

41. We believe that trust in the electoral process is essential for the proper and stable functioning of democracy. The ongoing tense political situation mainly derives from the contestation and frustrations linked to the alleged unfairness of previous elections. We witnessed a clear lack of trust, strong mutual criticism and a climate of confrontation between the political forces of the country. We are convinced that boycotting the parliament can by no means be considered as a correct political stance. And yet we believe that the concerns and shortcomings expressed by the opposition – and reflected in previous PACE reports – need to be fully addressed. We thus encourage all political forces to re-engage in a constructive political dialogue in order to overcome the crisis and to prevent it from escalating, in the interest of the people of Montenegro.

42. The new electoral legislation needs to be fully implemented well before the 2016 general elections in order to restore trust in the electoral process. Holding general elections without having taken the necessary preparatory steps would further aggravate the lack of trust and every effort should be made to ensure that the preparations by the relevant authorities are performed on time, in compliance with the law and European standards. In particular, the State election commission should adopt a proactive role in preparing and monitoring the elections independently. The oversight role of the new Agency for prevention of corruption must be performed effectively in practice, in particular as regards misuse of public office and public funds during elections.

43. The situation of the media remains a source of great concern, as previously mentioned in PACE reports. Journalists must be able to carry out their work in a free and safe manner. The authorities must end impunity by ensuring that all cases of attacks against journalists are thoroughly investigated. The lack of progress in this regard raises questions about the democratic system as such and about the functioning of the justice system. We were disappointed by the outcome of the work of the Commission for monitoring the actions of the competent authorities in the investigation of cases of threats and violence against journalists, which seems to reflect the overall lack of political will to bring to justice not only the perpetrators but also those who are behind such offences. We call for the continuation of the monitoring of the actions of the competent authorities in the investigation of cases of threats and violence against journalists after December 2015. We are confident that solutions will be found to provide the Commission with adequate means to effectively perform its tasks in the future.

44. Political interference and financial pressure on media outlets and journalists remain serious problems, as do the public smear campaigns carried out by some media against journalists and NGO representatives expressing critical opinions. It is a shared responsibility of the authorities and journalists to further improve ethics in this highly polarised media environment, and we encourage the ongoing inclusive efforts for the broad implementation of the newly adopted code of ethics.

APPENDIX – Programme of the fact-finding visit to Montenegro (17-19 November 2015)

Mr Terry Leyden, Ireland, Alliance of Liberals and Democrats for Europe
 Mr Ionuț-Marian Stroe, Romania, Group of the European People's Party

Tuesday 17 November 2015

20:00 Working diner with representatives of the civil society

Wednesday 18 November 2015

08:30 Meeting with media representatives

09:30 Presentation of the EU/COE joint programme "Support to the Ombudsperson's Office and the Constitutional Court of Montenegro in applying human rights standards (SOCCER)", by Boris Ristović, Council of Europe Project Officer

11:00 Meeting with **Mr Sreten Radonjić**, Director of the Agency for Prevention of Corruption and members of the Council of the Agency for Prevention of Corruption

12:00 Meeting with **Mr Budimir Šaranović**, President of the State Election Commission

13:00 Meeting with **Mr Ivica Stanković**, Supreme State Prosecutor

15:00 Meeting with **Mr Zoran Pažin**, Minister of Justice

16:00 Meeting with members of the Commission for Monitoring the Actions of the Competent Authorities in the Investigation of Cases of Threats and Violence Against Journalists, Assassinations of Journalists and Attacks on Media Property

18:00 Meeting with media self-regulatory body

20:00 Working dinner with representatives of international organisations

Thursday 19 November 2015

08:45 Meeting with **Mr Raško Konjević**, Minister of Interior

09:45 Meeting with political factions of the opposition
 (Positive Montenegro; SNP, Independent/Democratic Montenegro)

10:30 Meeting with political factions of the majority
 (DPS, SDP; Albanian Parties (FORCA, PD), HGI and LP, Bosniak Party)

11:15 Meeting with **Mr Ranko Krivokapić**, President of the Parliament of Montenegro

12:00 Working lunch hosted by **Mr Predrag Sekulić**, Head of the Montenegrin Delegation to PACE

13:30 Meeting with **Mr Filip Vujanović**, President of Montenegro

14:15 Meeting with **Mr Rade Vojvodić**, General director of RTCG

15:00 Meeting with **Mr Milo Đukanović**, Prime Minister of Montenegro

17:00 Meeting with Democratic Front

18:00 Meeting with representatives of the civil society (continued)