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2025 Rule of Law Report
Country Chapter on the rule of law situation in Montenegro

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2025 Rule of Law Report
The rule of law situation in the European Union

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ABSTRACT

Montenegro is working on the implementation of the 2024-2027 Judicial Reform Strategy and its accompanying 2024-2025 action plan, yet not all planned activities for 2024 have been fully implemented. The implementation of the previously amended legal framework has yielded some initial positive results, while the composition of the Judicial and Prosecutorial Councils remains to be further improved. The lack of a dedicated law on labour rights of judges remains a challenge. The new President of the Supreme Court has been appointed by unanimity, while the filling of judicial and prosecutorial positions remains to be ensured. Implementation of measures to enhance judicial digitalisation is in progress. Challenges as regards human resources, ICT and infrastructures continued. The Judicial and Prosecutorial Councils' public communication and transparency are improving, but there is still room for improvement to ensure full transparency on the publication of reasoned decisions on promotions, appointments, and disciplinary cases. Some improvements have been achieved on efficiency, while significant backlogs persist in administrative cases.

The implementation of the 2024-2028 strategy for the fight against corruption and its 2024-2025 action plan is ongoing, but challenges remain concerning the monitoring of its implementation. The track record of investigations and prosecutions in cases of high-level corruption continues to improve, but the low number of final convictions and lack of effective and deterrent penalties contributes to a perception of impunity. Human resources capacities in the fight against corruption have slightly increased but remain insufficient overall. The Agency for the Prevention of Corruption continued to carry out its tasks, despite some disruption caused by the expiration of the term of office of its management, ineffective governance and resource constraints. The adoption of nine by-laws enabled the effective implementation of the Law on Lobbying. The legal framework regulating political parties' funding continues to be hampered by shortcomings in its scope, clarity and implementation. The implementation of the improved legal framework on the protection of whistleblowers is ongoing. Progress has been made in enhancing public procurement transparency with electronic systems.

Delays in appointing members to the Councils of the Agency for Audiovisual Media Services and the Radio Television of Montenegro hinder the implementation of the media legislative framework. Rules on transparency of media ownership information have improved but only in relation to media providers. The legal provisions regulating the transparency of public funding allocations for media are yet to be fully implemented. The legal framework on access to information remains to be amended, but there are significant challenges in ensuring its effective implementation. The authorities continue to provide prompt and effective institutional and law enforcement responses to new cases of violence against journalists.

An established framework for inclusive legislative processes is in place, but challenges remain in terms of effectiveness of public consultations. A deep institutional and political crisis emerged over the decision of the Parliament to unilaterally declare the retirement of a Constitutional Court judge, raising concerns about the respect for the independence of the Constitutional Court. A new law on the Ombudsperson's Office is being drafted to fully align with the Paris Principles and aimed at achieving an upgraded accreditation to 'A' status. Civil society organisations function within an overall enabling environment, although several challenges persist.

I. JUSTICE SYSTEM[1]

Independence

The level of perceived judicial independence in Montenegro is now very low among the general public and is now low among companies. Overall, 26% of the general population and 35% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2025[2]. The perceived judicial independence among the general public has significantly decreased in comparison with 2024 (35%), while among companies it has increased in comparison with 2024 (28%). The main reason cited by the general public for the perceived lack of independence of courts and judges is the perception of interference or pressure from the Government and politicians[3].

Work on the implementation of the 2024-2027 Judicial Reform Strategy and its accompanying 2024-2025 action plan is ongoing, yet not all planned activities for 2024 have been fully implemented. The implementation of the Judicial Reform Strategy, and its action plan, is being monitored by the Council for Monitoring the Strategy's implementation. The Council has adopted a methodology for reporting and monitoring the work plan and a reporting framework for all involved institutions, and it has also published its first annual implementation report[4]. With regard to activities for 2024, 22.1% were fully implemented, 58.4% partially, and 19.5% not implemented.

The implementation of the previously amended legal framework has yielded some initial positive results, while the composition of the Judicial and Prosecutorial Councils remains to be further improved. After an intensive phase of reforms in 2024, the main laws guaranteeing the independence and impartiality of the judicial system are now broadly taking into account European standards, such as the Law on Judicial Council and Judges and the Law on State Prosecution Service. As a result of these amendments, the Judicial and Prosecutorial Councils are in the process of developing a new system of appointment, evaluation of performance, and promotion of judges and state prosecutors. The new system aims to ensure a more consistent, merit-based assessment. To fully address recommendations of the European Commission and Venice Commission[5], the Judicial Council's composition remains to be further aligned with European standards as regards the Minister of Justice's role as an *ex officio* member[6] as well as the representation of peer-elected judges[7]. As

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1 An overview of the institutional framework for all four pillars can be found here.

2 Flash Eurobarometer 554 and 555 (2025). The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

3 Flash Eurobarometer 554 and 555 (2025); Flash Eurobarometer 540 and 541 (2024).

4 Ministry of Justice (2024).

5 Besides the outstanding points on the Judicial and Prosecutorial Council and the law on the Special State Prosecution Office, a dedicated law on labour rights of judges is lacking and the shortcoming of the existing rules on evaluation of judges and court president are not yet addressed.

6 Constitution of Montenegro, Article 128 (3). See also Venice Commission (2022). GRECO (2020) , p. 4, recommended taking additional measures to strengthen the Judicial Council's independence – both real and perceived – against undue political influence, including by abolishing the ex officio participation of the Minister of Justice in the Council, by providing for no less than half of the Council's membership to be composed of judges who are elected by their peers and by ensuring that the presiding function is given to one of those judicial members.

7 Since ex-officio judge members (President of the Supreme Court) do not count as judges chosen by their peers, currently 4 out of 10 judges of the Judicial Council are selected by their peers. According to the recommendation of the Council of Europe, no less than half the members of such councils should be judges

constitutional amendments are necessary, the Government initiated the process through the adoption of a governmental draft. Against this background, the new Minister of Justice appointed in August 2024 has informally committed to continuing his predecessor's practice of not participating in Judicial Council sessions. Regarding the Prosecutorial Council, the introduction of an explicit provision in the Constitution on its composition and the method of election of its members, considered as a more sustainable solution by the Venice Commission, is still pending[8]. Furthermore, the Law on the Special State Prosecutor's Office (SSPO) still has shortcomings as key recommendations by the Venice Commission with regard to increased accountability, clearer operational frameworks, strengthened personal data protection, and a strategy to reduce the significant case backlog have not yet been reflected[9].

The lack of a dedicated law on labour rights of judges remains a challenge[10]. There are presently two conflicting laws, and a specific law remains to be adopted on the work-related rights, including retirement criteria, for all judges and prosecutors, including Constitutional Court judges, as recommended by the Venice Commission[11]. In response to the concerns raised by the Association of Judges demanding salary increases and a special law regulating their labour rights, the Ministry of Justice initiated the drafting of a law on salaries and other rights related to the performance of judicial and constitutional court functions. In April 2025, the Government adopted amendments to the laws governing the Judicial Council and judges, as well as the State Prosecutor's Office, introducing a 30% salary increase for judges and prosecutors[12].

The new President of the Supreme Court has been appointed by unanimity, while the timely filling of judicial and prosecutorial positions remains to be ensured. In November 2024, the Judicial Council appointed a new permanent President of the Supreme Court by unanimity[13]. This appointment reinforces the independence, legitimacy, and stability of a key institution in the judiciary, after nearly four years of this post being occupied *ad interim*. However, the Judicial Council has currently one vacant position, whereas the Prosecutorial Council has two unfilled positions. In general, the timely filling of judicial and prosecutorial positions remains a challenge, in particular due to remuneration level. For instance, by the end of 2024, Montenegro had 243 full-time judges out of 329 planned positions[14]. This

chosen by their peers from all levels of the judiciary and with respect for pluralism inside the judiciary. Committee of Ministers (2010), para. 27.

8 Montenegro has committed to address this aspect, which is part of the closing benchmarks, in the EU-Montenegro Stabilisation and Association Agreement 14th meeting of the Subcommittee on Justice, Freedom and Security. See also Venice Commission (2024), para. 23.

9 Venice Commission (2024a).

10 2024 Rule of Law report, Montenegro, p. 3.

11 In its previous opinions, the Venice Commission identified several elements for Montenegro to address in order to bring the current rules in line with European standards. The recommendations concerned the regulation of judges' work-related rights, including retirement age and pension entitlements; the limited use of temporary anti-deadlock mechanisms for key appointments, restricting them to exceptional circumstances; the alignment of evaluation and disciplinary procedures for judges with European standards; and the reinforcement of the Judicial Council's independence and the introduction of legal safeguards to prevent undue political influence. Venice Commission (2022, 2023, 2023a).

12 The proposed legislative amendments are currently pending inclusion in the Parliament's agenda. Montenegrin Government (2025a), p.2.

13 The new President of the Supreme Court is the former representative of Montenegro before the European Court of Human Rights in Strasbourg and former judge of the High Court in Podgorica. BalkanInsight (2024).

14 Montenegrin Government (2025), annex III.

represents an increase in vacancies compared to the previous year. On the other hand, the number of state prosecutors increased from 85 to 114 (out of 141 planned positions)[15].

The promotion and enforcement of ethics, professional standards among judges and prosecutors, and evaluation mechanisms has improved, yet concerns persist in ensuring the quality of evaluations and the consistency of sanctioning practice for Agency for the Prevention of Corruption reports. Following appointments of new members to both Councils, their work on evaluation resumed with renewed impetus yielding some initial positive results[16]. Conversely, the rules for evaluating judges and court presidents still present concerns risking undermining their independence and judicial discretion in so far as they still foresee that the performance of judges who have 30% or more annulled decisions on appeal will be evaluated as "unsatisfactory". This threshold was considered too low by the Venice Commission, which warned against its negative implications on judicial independence and judicial discretion[17]. The Judicial Council introduced for the first time a system of evaluation for judges of the Supreme Court[18]. In addition, the Prosecutorial Council's evaluation of prosecutors has become more nuanced, slowly shifting away from the previous practice of uniformly rating all prosecutors as excellent[19]. However, challenges remain with regards to the lack of systematic regular professional appraisals of judges and prosecutors carried out by the Councils. The same holds true as regards the quality of appraisals, which often lack a detailed assessment of individual performance and capacity. Furthermore, the legal framework on disciplinary and ethical standards for judges and prosecutors has yet to be amended to strengthen their accountability, while the Special State Prosecution Office adopted new Rules of Procedure for the Ethics Code Commission [20]. The disciplinary practice of the Judicial and Prosecutorial Councils continues to present shortcomings which weaken the verification process due to the inconsistent disciplinary approach in sanctioning judges and prosecutors for not submitting reports on assets and incomes to the Agency for the Prevention of Corruption.

Instances of undue public influence on the judiciary continue to raise the concern of some stakeholders. Despite both the Judicial and Prosecutorial Councils having established

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15 Montenegrin Government (2025a), p. 3.

16 The Judicial Council's Ethics Commission had finalised 13 cases by the end of 2024 (5 from 2022 and 8 from 2023). The Council's Disciplinary Commission initiated 7 disciplinary liability proceedings. Of these, three cases were dismissed as unfounded, one annulled and three are being reviewed. The Prosecutorial Council's Ethics Commission handled 10 initiatives in 2024, two of which were from 2023. The Council's Disciplinary Commission handled 6 cases, including one from 2021 and two from 2023. Montenegrin Government (2025), pp. 12, 13, 28, 29.

17 Venice Commission (2022), para 52; Venice Commission (2023), para 21. See also Consultative Council of European Judges (2008).

18 The amendments to the Law on the Judicial Council and Judges, enacted in July 2024, introduced the evaluation of the judges of the Supreme Court. In December 2024, the Judicial Council adopted the Evaluation Plan for 2025, and in April 2025, it introduced new Rules on the evaluation of judges. Montenegrin Government (2025), pp. 7, 8.

19 In 2024, five prosecutors were rated as good, and one prosecutor as unsatisfactory, indicating a more differentiated assessment of performance. New Rules for the Evaluation of State Prosecutors and Heads of State Prosecutor's Offices have been drafted, but not adopted yet. Country visit Montenegro, Prosecutorial Council and the Supreme State Prosecutor's Office. Montenegrin Government (2025), p. 8. Montenegrin Government (2025a), p.3.

20 Moreover**,** challenges persist in implementing new ethical codes for notaries, public bailiffs, and court interpreters, and the proposed Draft Code of Ethics for Lawyers is pending adoption by the Bar Association, a necessary step to improve its independence. Country visit Montenegro, Montenegrin Bar Association. See also 2024 Rule of Law Report, Montenegro, p. 6.

reporting mechanism of undue influence, no requests for protection were received in 2024. Stakeholders reported instances of high-level officials and political figures commenting on ongoing high-profile cases, judicial decisions or the actions of the law enforcement and criminal justice system[21], which may contribute to undermining the public trust in the judiciary.

Quality

The law on free legal aid has been amended to improve access to justice for vulnerable groups. The aim is to expand the scope of legal aid, particularly for vulnerable groups, with victims of torture now being eligible for free legal aid[22], alongside other groups such as child victims of sexual abuse or children in proceedings for the protection of their rights. The amended law on free legal aid also introduces new requirements for lawyers providing legal assistance. Only specialised lawyers will be authorised to provide legal assistance to vulnerable victims, including those of human trafficking and domestic violence. Stakeholders point out that awareness about availability of free legal aid should be reinforced[23].

Implementation of measures to enhance judicial digitalisation is in progress. Montenegro adopted a new 2025-2028 Judicial Digitalisation Strategy and its action plan[24]. The upgraded court information system (PRIS) used for case allocation, tracking, management, and communication with parties is expected to be fully implemented by the end of the year. It aims to further improve the efficiency of case allocation and the use of judicial statistics.

Challenges as regards human resources, ICT and infrastructure continued. The judicial system is impacted by inadequate human resources and physical conditions in courtrooms[25]. Stakeholders consider that the absence of competitive salaries undermines the attractiveness of a judicial career, affecting both the recruitment process of new judges and the motivation of existing ones to accept promotions to positions with greater responsibilities. Furthermore, Montenegro has not started the effective implementation of the 2024-2027 Plan for the Rationalisation of the Judicial Network, which represents a challenge. Additionally, at all levels of the judiciary, the allocated working spaces and working conditions, including equipment, continue to be inadequate, in particular for the Special State Prosecution Office, the High Court of Podgorica and the Supreme Court. In 2025, the judiciary budget increased from EUR 32.7 million to EUR 34.2 million, however stakeholders continue to consider it insufficient to cope with critical needs of the sector[26].

The public communication and transparency of the Judicial and Prosecutorial Councils are improving, but there is still room for improvement to ensure full transparency on the publication of reasoned decisions on promotions, appointments, and disciplinary cases. The Judicial and the Prosecutorial Council continue to ensure public attendance to their sessions by media and civil society organisations. In a new development, they have

[21] Country visit Montenegro, Montenegrin Bar Association, Prosecutorial Council and State Prosecutor's office.

[22] See also European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2022), p.7.

[23] European Union - Council of Europe Horizontal Facility action (2025), representatives of Basic and Supreme Court.

[24] Montenegrin Government (2025b, 2025c).

[25] Country visit Montenegro, Chief State Prosecutor, Civils Society Organisations.

[26] Country visit Montenegro, Special State Prosecution Office, the High Court of Podgorica and the Supreme Court.

started to regularly publish their decisions, minutes and press statements[27]. Both Councils have also adopted strategic documents to enhance public communication[28]. The public perception of transparency has improved, with 55.7% of citizens rating the prosecutor's office as transparent, a 14.9% increase from 2023. This positive trend is expected to continue with the implementation of the Communication Strategy of the State Prosecutor's Office and the Prosecutor's Council for 2023-2025[29]. Further, the Prosecutorial Council amended its Rules of Procedure in June 2025, aiming to increase the transparency and clarity of reasoned decisions[30]. Despite these efforts, the Judicial and Prosecutorial Councils still face challenges in fully publishing reasoned decisions on promotions, appointments, and disciplinary cases.

Efficiency

Some improvements have been achieved on efficiency, while significant backlogs persist in administrative cases. The clearance rate in 2023 remained well below 100% in the two instances for the three categories of cases, meaning that there were more incoming cases than resolved cases over the year, and thus the numbers of pending cases are increasing. On administrative cases, the number of incoming cases continued to rise in 2023, after having already doubled from 2021 to 2022. In 2023, the first instance administrative cases clearance rate was at 40% with a disposition time of 1 422 days, while in 2024 the clearance rate increased to 109% and the disposition time was reduced to 880 days[31]. In 2023, the trend was negative also for both instances of civil and commercial cases, the clearance rate fell and the disposition time increased, while the indicators registered a positive trend for both instances of criminal cases[32]. The workload of judges at the Administrative Court is seriously concerning, with one judge handling on average 2 513 cases in 2024, although the number of pending cases in 2024 decreased from 27 589 to 26 638[33]. The negative trend on handling of administrative cases hampers the development of the business environment in Montenegro and erodes trust in the justice system. In June 2025, the Constitutional Court had a backlog of 2 069 cases, of which 1 739 are constitutional complaints.

II. ANTI-CORRUPTION FRAMEWORK

The perception among experts, citizens and business executives is that the level of corruption in the public sector remained high. In the 2024 Corruption Perceptions Index by Transparency International, Montenegro scores 46/100 and ranks 65th globally[34]. This perception remained relatively stable over the past five years[35]. The 2025 Special Eurobarometer on Corruption shows that 88% of respondents consider corruption widespread in their country (EU average 69%) and 24% of respondents feel personally affected by corruption in

27 Country visit Montenegro, Judicial Council and Prosecutorial Council.
28 Montenegro Government (2025), p. 23; Delegation of the European Union to Montenegro (2024).
29 Montenegrin Government (2025), p. 23.
30 In addition, the amended Rules of Procedure establish the publication of anonymised decisions related to state prosecutor evaluations and disciplinary actions. Montenegrin Government (2025a), p.6.
31 Montenegrin Government (2025a), p.6.
32 CEPEJ (2024), Dashboard Western Balkans.
33 Judicial Council (2024), p. 152. See also Montenegrin Government (2025a), p.7.
34 Transparency International (2025). The level of perceived corruption is categorized as follows: low (the perception among experts and business executives of public sector of corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).
35 In 2020 the score was 45, while, in 2024, the score is 46. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

their daily lives (EU average 30%). As regards businesses, 79% of companies consider that corruption is widespread (EU average 63%) and 47% consider that corruption is a problem when doing business (EU average 35%). Furthermore, 21% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 36%), while 32% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 33%)[36]. Montenegro is not yet a signatory party to the OECD Anti-Bribery Convention.

The implementation of the 2024-2028 strategy for the fight against corruption and its 2024-2025 action plan is ongoing, but challenges remain concerning the monitoring of its implementation. The National Council for the Fight Against Corruption is tasked with monitoring and reporting on the implementation of the strategy and action plan. Counting on an Operational Team composed of 12 members from different institutions and a coordinator[37]. However, concerns remain as regards the Council's capacity to do so, as its internal set-up, workplan and resources are not yet clear. According to some stakeholders, the absence of clear indicators and benchmarks may affect monitoring[38]. The cooperation framework between the Agency for the Prevention of Corruption (ACA) and the Council, recommended by the Group of States against Corruption (GRECO)[39], remains to be adopted.

The track record of investigations and prosecutions in cases of high-level corruption continues to improve, but the low number of final convictions and lack of effective and deterrent penalties contribute to a perception of impunity. The amendments introduced in 2024 to the Law on Special State Prosecutor's Office (SPO) have significantly improved the efficiency of its work, and it opened investigations against 17 persons and filed indictments against 16 persons[40]. The SPO notably launched an investigation into the former Director of the Agency for the Prevention of Corruption (ACA) who was indicted for alleged abuse of office and damaging the state budget. As a result, the ACA's Council dismissed the Director; this decision was annulled in first instance by the Administrative Court. In addition, the Basic Court of Podgorica acquitted the former Director in a first-instance verdict over charges of tax evasion. This case is still ongoing. The number of investigations and prosecutions in high-level corruption cases has risen consistently since 2022, establishing a trend of growth. The number of final convictions registered an increase in 2024, but they remain low compared to the number of high-level corruption cases on trial or under investigation. Stakeholders have raised concerns about a general practice of defence attorneys abusing the Criminal Procedure Code guarantees to delay criminal proceedings in high-level corruption cases without valid justification[41]. The enforcement of the guidelines on the use of plea bargain agreements by

36 Data from Special Eurobarometer 561 (2025) and Flash Eurobarometer 558 (2025).

37 In October 2024, an Operational Team was established within the National Council tasked of reporting on the implementation of the Action Plan of the National Strategy for fight against corruption. The members of the Operational Team are representatives from General Secretariat of the Government, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Education, the Ministry of Health, the Ministry of Finance, the Ministry of Public Administration, the Police Directorate, the Supreme Court, the Supreme State Prosecutor's Office, the Customs Administration, and the Tax Administration. To be noted that the National Council does not have any other operational or logistic support.

38 Country visit Montenegro, Civil society organisation, Agency for prevention of corruption.

39 GRECO (2024).

40 Data currently made available by the Supreme Court do not allow a comparison with 2023. As to court decisions on the criminal offence of high-level corruption, out of 89 cases pending against 293 individuals and 10 legal entities, the High Court in Podgorica resolved 27 cases against 75 defendants. Montenegrin Government (2025a), p. 72. Country Visit Montenegro, Special State Prosecutor's Office.

41 Country Visit Montenegro, Montenegrin Bar Association.

prosecutors and judges in corruption cases is contributing to a more effective and deterrent criminal justice response. The quality of indictments and verdicts (including decisions extending detention periods) has not particularly improved nor been fully harmonised amongst courts and within the SPO to ensure an effective prosecution and adjudication in high-level corruption cases. Guidelines on the quality of reasoning and writing of indictment and decisions, alongside quality control mechanisms and performance indicators in the performance assessment of prosecutors and judges, remain to be adopted[42].

The human resources capacities in the fight against corruption have slightly increased but remain insufficient overall. In 2024, the Judicial Council appointed 5 new judges to the High Court of Podgorica[43], increasing the total number to 11 judges[44]. At least four judges will be allocated to the Specialised Department[45], where the backlog of cases remains extremely challenging[46]. In the reporting period, there were no completed cases, nor were there any final decisions that were transferred from the Court of Appeal[47]. The SPO currently includes the Chief Special Prosecutor and 15 special prosecutors, out of 16 positions[48]. The amendments adopted to the Law on Special Prosecution Office, which limited the SPO's competence to focus on acts of organised crime, corruption committed by high-ranking public officials and money laundering, yielded positive results in terms of efficiency[49]. This has reduced the number of cases handled per special prosecutor and the scope of their investigations[50]. The human resources situation in the Special Police Department (SPU) is improving, but remains insufficient[51], despite the adoption of a new Rulebook on Internal Organisation and Systematisation of the Ministry of the Interior in December 2024[52]. The procedure for recruiting new police officers has begun, particularly in the unit dealing with the fight against high-level corruption and money laundering. Additionally, the procedure should ensure a merit-based recruitment. Furthermore, the SPU lacks specialised initial and continuous trainings in financial investigations, with no regular courses on this topic in the police academy's curriculum. Overall, the human resources are deemed insufficient by the three bodies to cope with their workload and responsibilities. In addition, the infrastructure conditions of the three bodies remain poor and the equipment and technological tools would need further enhancement, limiting their efficiency overall[53].

The Agency for the prevention of corruption continued to carry out its tasks despite some disruption caused by the expiration of the term of office of its management, ineffective governance and resource constraints. A new Council of the Agency for the prevention of corruption (ACA) was elected, although a full-term Director remains to be

42 Country visit Montenegro, Special State Prosecutor's Office, High Court of Podgorica.

43 The specialised court for criminal proceedings punishable by law by imprisonment over 10 years, organised crime, high-level corruption, money laundering, terrorism and war crimes.

44 Country visit Montenegro, High Court.

45 The Specialised Department of the High Court in Podgorica deals with high level corruption and complex organised crime.

46 The Special Department of the High Court in Podgorica has 8 unresolved cases of cigarette smuggling against 53 persons; 9 unresolved cases of money laundering against 72 defendants; 90 unresolved cases of organized crime against 666 defendants; 19 unresolved cases of human trafficking against 35 defendants.

47 Montenegrin Government (2025), p. 73.

48 Ibid.

49 Montenegrin Government (2025), p. 60.

50 The Law on Amendments to the Law on Special State Prosecutor's Office was adopted on 6 June 2024.

51 Country visit Montenegro, Special Police Unit.

52 Since the adoption of a new Rulebook on Internal Organisation and Systematisation the number of positions from 50 to 60; only 27 positions are currently filled.

53 Country visit Montenegro, Special Police Unit.

appointed since April 2024, which limits the legitimacy of the Agency's leadership and strategic direction[54]. The number of actions to prevent corruption continued to increase although the overall impact of the Agency's work remains limited in practice. Its working methods and governance remain to be improved as a bureaucratic approach continues to impede the effectiveness of its work. In addition, the ACA's independence, impartiality and accountability present challenges[55]. The ACA adopted its 2025 verification plan for income and asset reports, which includes second level verification of a targeted sample of approximately 500 declarations and in-depth verifications of up to 30 public officials. The Agency continued the implementation of its step-by-step methodology to verify income and asset reports and a risk-based approach to initiating ex officio cases, which contributes to the impartiality of its action. The ACA continued to enforce its sanctioning policy[56] and adopted a more restrictive interpretation of the legislation on incompatibility of functions and conflicts of interest. This led to a reduction of the categories included in the registry of public officials, allowing the Agency to work more efficiently. In addition to the prior-to-appointment integrity checklist being applied to top executive functions and to the Agency's future employees[57], the ACA adopted new rules for recruiting staff[58]. The structural weakness of ACA in terms of human resources did not improve and the financial independence of the ACA remains to be fully ensured[59]. This is an obstacle for the implementation of the Agency's overall mandate and recruitment plan for 2025, as well as a risk to its performance.

The enforcement mechanism ensuring respect with the rules of the code of conduct of the Government remains to be adopted. Numerous institutions have specific codes of conduct. However, the Government's Code of Conduct remains ineffective as the adoption of a law on government with disciplinary penalties is pending**.** The Code of Police Ethics and Ethics Committee was adopted in 2021.

The adoption of nine by-laws has enabled the effective implementation of the Law on Lobbying. The legal framework on lobbying improved with the adoption of nine by-laws covering specific sectors, which allows for the full enforcement of the Law on Lobbying[60]. The ACA has received a report for illegal lobbying, and the procedure for determining

54 The Director is a managing body of the ACA, together with the ACA Council. The Director is responsible for representing the Agency, organizing and overseeing its work, making decisions, giving opinions and recommendations and taking other measures falling within the jurisdiction of the Agency, and performing other duties as prescribed by law (Art 95 of the Law on prevention of corruption). At the proposal of the Anti-Corruption Committee of the Parliament of Montenegro, the Parliament elects the members of the ACA Council which then appoints the Director. 2024 Rule of Law Report, Montenegro, p. 9.

55 In 2024, 11 905 income and asset declarations, 13 141 in 2023, were administratively and technically verified. In addition, the ACA verified the accuracy and completeness of 665 declarations and performed in-depth verification of income and assets declarations of 20 public officials selected based on their corruption risk profile. ACA (2025), p. 12.

56 In 2024, the ACA initiated 1 261 misdemeanour proceedings, 2 018 in 2023. 1 474 proceedings were completed before the competent misdemeanour courts upon requests of the ACA, imposing sanctions in 1 075 cases, with fines amounting for EUR 112 750.

57 In 2024, the ACA issued 191 opinions, 227 in 2023. ACA (2025), p. 25.

58 The ACA currently employs 54 people out of 98 foreseen by the Rulebook adopted in October 2024. In January 2025, the ACA Council adopted Rules for the Recruitment and Filling of Vacant Positions in the ACA, based on public advertisements. According to new provisions of the Law on Prevention of Corruption, the ACA still needs to develop additional employment procedures aligned with the Labour Law.

59 The budget foreseen for 2025 is EUR 884 832.46, which is below the legally required minimum (0.14% against 0.2% of the State Budget as prescribed by the Law on Prevention of Corruption).

60 In 2024, five individuals and one legal entity were registered in the lobbyists' register, bringing the total in the register to 16 individuals and two legal entities. ACA (2025), p. 32.

possible illegal lobbying is ongoing. Considering that the new Law on Lobbying came into force on 12 June 2024, the ACA provided state authorities and lobbyists with comprehensive information on the key novelties introduced by the Law.

The legal framework regulating political parties' funding continues to be hampered by shortcomings in its scope, clarity and implementation. Despite recommendations from the OSCE-ODIHR[61] and GRECO[62], the Law on Financing of Political Entities and Election Campaign has not been amended yet. Therefore, the current legal framework lacks effective safeguards against the circumvention of rules on transparency, control over political party spending and prevention from abuse of state resources. Additionally, the Law on election of Councillors and Members of Parliament is still not aligned with the Law on financing of political entities and election campaigns, further preventing a correct and efficient control on electoral campaign financing[63]. In 2024, the Agency for the prevention of corruption monitored electoral campaigns for six municipalities[64], however the legal framework remains unclear. In 2024, the State Audit Institution (SAI) continued its work on auditing consolidated financial statements of political entities[65]. However, the follow-up to SAI's opinions and reports by other competent authorities, including the National Council for the fight against corruption, remains challenging due to shortcomings in the legal and institutional framework[66]. However, even if SAI expresses adverse opinions on the financial statements of political entities and requires consultative hearings, the competent parliamentary Committee has no obligation to act.

The implementation of the improved legal framework on the protection of whistleblowers is ongoing. Montenegro is making progress in implementing its improved legal framework for protecting whistleblowers**,** as introduced in the Law on Prevention of Corruption. In 2024, the ACA received 163 whistleblowers' reports (190 in 2023) and forwarded 23 reports to the prosecutors' offices and 46 to other competent institutions[67]. The ACA concluded a record 116 procedures and identified threats to the public interest in 25 cases, a considerably higher number against previous year (4 in 2023)[68]. A dedicated Whistleblower Law to improve the functionality and coherence of the system and the

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61 OSCE (2023), as well as previous OSCE/ODHIR recommendations. Among others, some procedural issues hamper the effectiveness of the Law on Financing of Political Entities and Election Campaign, e.g.: ACA verifies whether registered voters made reported donations, and verifies that a donation is not from a person convicted for corruption. However, ACA verifies whether donors are directors of public contractors but not owners of or shareholders in public contractors, because the database on public procurement of the Ministry of Finance contains only the names of the directors of public contractors.

62 GRECO (2010).

63 The Parliament has initiated the drafting of a new Law aimed at overcoming the existing shortcomings in the legal framework.

64 Budva, Andrijevica, Gusinje, Kotor, Podgorica and Berane.

65 The SAI audited consolidated financial statements of 10 political entities from 2023, issuing 20 audit opinions and 110 audit recommendations The recommendations issued concern the financial statements of political entities. The task of the audit is to check whether the political entity acted in line with the regulations identified as criteria for the given audit; whether the financial resources are used for the purpose of accomplishing the goals determined in the Program and Statute of the political entity. SAI (2025), pp, 1,2.

66 The SAI representatives repeatedly highlighted that their reports often do not receive any follow-up by other competent institutions, including the National Council for fight against corruption. Moreover, they underlined that the current institutional framework of the National Council should be improved, so as to prescribe actions to be taken by the National Council, namely to react to reports from other bodies.

67 ACA (2025), p. 5

68 Ibid.

protection of whistleblowers are currently lacking and are expected to be developed by the third quarter of 2025[69].

Measures aimed at addressing corruption in the identified high-risk areas are being implemented. Through the implementation of the new 2024-2028 Anticorruption Strategy[70], the Agency for the prevention of corruption continued assessing the integrity plans of public institutions and monitoring their adoption and implementation. To date, the Agency assessed the integrity plans of prosecutorial and judicial bodies, with an assessment report completed in 2024 and due to be published soon. The Agency for the prevention of corruption plans to apply the methodology to other high-risk sectors, as identified in the National Anticorruption Strategy, including independent and regulatory authorities, with adjustments made to suit each selected sector. In addition, the Government conducted assessments of potential corruption risks for legislative initiatives in line with its methodology.

Progress has been made in enhancing public procurement transparency with electronic systems. Montenegro has implemented a red flag system in its e-procurement system to detect irregularities in public procurement procedures. The electronic European Single Procurement Document (ESPD) in the e-procurement system was introduced in 2024, resulting in a significant reduction in complaints[71].

III. MEDIA PLURALISM AND MEDIA FREEDOM

Delays in appointing members to the Councils of the Agency for Audiovisual Media Services and the Radio Television of Montenegro hinder the implementation of the media legislative framework. During the reporting period, the Parliament failed twice to appoint new members of the Council of the Agency for Audiovisual Media Services (AMU) and delayed initiating the appointment procedure for the Council of Radio Television of Montenegro (RTCG). Full implementation of the legislative improvements introduced in the new laws, including through transparent and merit-based appointments, remains to be achieved to ensure the proper functioning and full independence of the AMU and RTCG. Although the appointment process for the Director General of RTCG had previously been challenged by multiple court rulings, in August 2024, the RTCG Council appointed the same person to a full-term position, raising questions about the lack of transparency and a possible breach of legal procedure. In November 2024, the prosecution authorities filed an indictment against members of the RTCG Council on grounds of abuse of office during the appointment of the RTCG Director General. The criminal proceedings in the case are currently ongoing before the Podgorica Basic Court.

Rules on transparency of media ownership information have improved but only in relation to media providers. Although ownership transparency has improved following the adoption of the new Media Law, there remain a number of influential online news media outlets that do not provide information on ownership despite the new obligations in the media law. Additionally, the availability of media ownership information remains restricted to those

[69] Montenegrin Government (2025), p. 10.

[70] The Strategy identified the following 6 fields of activities particularly prone to corruption risks: 1. Work of the prosecution and courts, 2. Work of the police and the Customs Administration, 3. Environment, urbanism and spatial planning, 4. Public procurement, 5. Work of local self-government, 6. The operation of state-owned enterprises, i.e. owned by local companies.

[71] In the first quarter of 2025, only 5 complaints were filed against over 500 published public procurement procedures.

media entities that have undergone formal registration. Some stakeholders point out that media outlets owned by companies established in Serbia have a strong influence in the media market and continue to be dominating recipients of state advertising[72].

The legal provisions regulating the transparency of public funding allocations for media are yet to be fully implemented. In 2023, 56% of registered media and 64% of public sector entities complied with the legal requirement to disclose the public funding received and allocated to media, respectively[73]. Following the adoption of new media legislation, the issue of unregistered online media has yet to be fully resolved in line with applicable international standards. The economic viability of commercial media remained constrained by a relatively small audience base and limited advertising market. The new Media Law of 2024 introduced a major increase in state funding for content of public interest in broadcast, print and online media, raising the Media Pluralism and Diversity Fund from 0.09% to 0.2% of the current national budget. This made public funding an increasingly significant source of income for commercial media. In addition, the new Media Law introduced media self-regulation as a prerequisite for accessing funding from the Media Pluralism and Diversity Fund, and membership in the Council for Media Self-Regulation increased significantly. By March 2025, the Council's membership increased to 67 media outlets[74].

The legal framework on access to information remains to be amended, but there are significant challenges in ensuring its effective implementation. In January 2025, the Government adopted a new Law on Free Access to Information, which is currently under consideration by the Parliament. However, the draft proposal does not sufficiently address the conduction of inspections and the need for harmonisation with the Open Data Directive. However, the situation in the Agency for Personal Data Protection and Free Access to Information is a concern. Its independence, human resources and financial capacities are not sufficiently strong to enable it to exercise its competences effectively and efficiently. A notable example is the decision of the Ministry of Finance to significantly reduce the Agency's 2025 budget. Additionally, the Agency's Director resigned in December 2024 after being appointed in January of the same year[75]. Montenegro has ratified the Council of Europe Convention on Access to Official Documents[76].

The authorities continue to provide prompt and effective institutional and law enforcement response to new cases of verbal and physical violence against journalists. In 2024, the prosecution authorities handled 14 cases of verbal and physical violence or threats against journalists, issuing indictments in three cases and initiating misdemeanour proceedings in four [77]. The police recorded 16 cases of violence against media, including 7 classified by the prosecution authorities as criminal offences, most cases involving harassment and online threats. Additionally, three journalists remain under police protection. Instances of verbal attacks on the media by public officials and political parties have continued to occur. Since the publication of the 2024 Rule of Law Report, three new alerts have been recorded for Montenegro in the Council of Europe's Platform to Promote the

72 Country visit Montenegro, Civil Society Organizations.
73 Country visit Montenegro, Agency for Audiovisual Media Service.
74 Montenegrin Government (2025), p. 33.
75 Agency for Personal Data Protection and Free Access to Information (2024).
76 The Council of Europe Convention on Access to Official Documents (CETS No. 205), also known as the Tromsø Convention, entered into force on 1 December 2020.
77 Montenegrin Government (2025a), pp. 10, 11.

Protection of Journalism and Safety of Journalists[78], relating to attacks on physical safety and integrity, and harassment and intimidation of journalists[79]. The platform registers eight active alerts in total. The Media Freedom Rapid Response platform has recorded twelve incidents consisting in 2 'physical assaults', 1 'attack to property', 10 'verbal attacks', 3 'legal incidents', and 1 'interference'[80]. There have been no notable cases of strategic lawsuit against public participation (SLAPP) against media outlets or journalists[81].

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

An established framework for inclusive legislative processes is in place, but challenges remain in terms of effectiveness of public consultations. A framework for an inclusive legislative process exists, notably also on public consultation. Nevertheless, stakeholders continue to encounter challenges in its implementation. The quality of legal drafts proposed by Members of Parliament is low, often lacking regulatory impact assessments or public consultations and with almost non-existent quality control. The Ministry of Finance is currently working on introducing standards for comprehensive regulatory impact analysis, which will assess the impact on the economy, citizens, budget, society, and environment before implementing new regulatory solutions[82]. With regard to fast-track procedures, in 2024 the Government proposed 122 draft laws[83], 42 of which were recommended for urgent adoption, in accordance with the Rules of Procedure of the Government of Montenegro[84].

A deep institutional and political crisis emerged over the decision of the Parliament to unilaterally declare the retirement of a Constitutional Court judge, raising concerns about the respect for the independence of the Constitutional Court. On 17 December 2024, tensions escalated following the Parliament's decision on the retirement of a Constitutional Court judge. This decision was not in line with the procedure foreseen in the Constitution, which requires a plenary decision of the Constitutional Court [85] as also stated by the Venice Commission[86] and sparked a serious crisis within Parliament. The crisis stems from a lack of clear rules on judicial retirement for judges due to conflicting secondary legislation. These developments raised strong concerns about the respect for independence of the Constitutional Court and separation of powers enshrined in the Constitution[87]. A political agreement was reached in mid-March, paving the way for the resumption of Parliamentary work, and also provided for requesting a Venice Commission opinion on the Parliament's

78 Council of Europe, Platform to promote the protection of journalism and safety of journalists (2025).
79 Montenegro has replied to one alert.
80 European Centre for Press and Media Freedom (2025).
81 Montenegrin Government (2025), p. 145. Montenegro ratified the Council of Europe Convention on Access to Official Documents (CETS No. 205) (the Tromsø Convention) on 23 December 2012.
82 Montenegrin Government (2025), p. 147.
83 Montenegrin Government (2025), p. 148.
84 Article 151 of the Rules of Procedure of the Parliament of Montenegro allows for laws to be passed by urgent procedure, especially for unforeseen circumstances or harmonization with European legislation. Article 152 outlines the procedures for proposing laws under urgent procedures, including the timeframe for submission to Parliament. Article 153 specifies the parliamentary process for considering urgent laws, allowing for immediate debate if necessary.
85 Article 154(3) of the Constitution requires a plenary decision of the Constitutional Court establishing the reasons for the termination of office. Such plenary decision was not delivered by the Constitutional Court before the decision of the Parliament on 17 December. Instead, the President of the Constitutional Court sent an informative letter to Parliament which outlined the facts regarding the retirement of the respective Constitutional Court judges. European Western Balkan (2025).
86 Venice Commission (2025).
87 Country visit Montenegro, Civil society organizations, EU Projects.

decision which was published on 16 June 2025. Despite these developments, the Parliament's procedure for selecting a replacement of the concerned Constitutional Court judge continued.

Over half of the companies surveyed in Montenegro express high levels of confidence in the effectiveness of investment protection[88]. 61% of companies are very or fairly confident that investments are protected by law and courts[89]. 41% perceive the level of independence of the public procurement review body (Commission for the Protection of Rights in Public Procurement Procedures) as very or fairly good[90]. 34% perceive the level of independence of the national competition authority (Agency for Protection of the Competition) as very or fairly good[91].

On 1 January 2025, Montenegro had 6 leading judgments of the European Court of Human Rights pending implementation, an increase of 3 compared to the previous year[92]. On 1 January 2025, Montenegro's rate of leading judgments from the past 10 years that had been implemented was at 75% (compared to 86% in 2024; 25% remained pending), and the average time that the judgments had been pending implementation was 3 years and 3 months (compared to 4 years and 10 months in 2024)[93]. The oldest leading judgment, pending implementation for 9 years, concerns ill- treatment in police detention and the lack of an effective investigation into the relevant complaints[94]. As regards the respect of payment deadlines, on 31 December 2024 there were 4 cases in total awaiting confirmation of payments (compared to 1 in 2023)[95]. On 16 June 2025, the number of leading judgments pending implementation had remained 6[96].

A new law on the Ombudsperson's Office is being drafted to fully align with the Paris Principles aimed at achieving an upgraded accreditation to 'A' status. The Ombudsperson is the National Human Rights Institution and is accredited with B-status[97]. The Government is preparing a new law aimed at fully aligning the regulatory and institutional framework with the principles relating to the Status of National Institutions (Paris Principles) in view of upgrading the accreditation to A-status. The Ombudsperson's Office has made further progress in handling complaints, completing 89% of cases in 2024 and issuing 451 recommendations in 236 cases[98]. However, the Office reports that the implementation of these recommendations remains a significant challenge[99]. The Office has observed that recommendations backed by international obligations are more likely to be

88 The level of perceived investment protection is categorised as follows: very low (below 30% of respondents fairly and very confident that investments are protected by laws and courts); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%). The same categories analogously apply to the perception of independence of procurement and competition authorities.

89 Flash Eurobarometer 555 (2025). Only 13% and 13% of the surveyed investors respectively perceive the frequent changes in legislation or concerns about the quality of the law-making process and the quality, efficiency or independence of justice as a reason for the lack of confidence in investment protection.

90 Flash Eurobarometer 555 (2025).

91 Flash Eurobarometer 555 (2025).

92 For an explanation of the supervision process, see the website of the Council of Europe.

93 All figures calculated by the European Implementation Network (EIN) and based on the number of cases that are considered pending at the annual cut-off date of 1 January 2025. EIN (2025), p. 2.

94 Judgment of the ECtHR, 1451/10, *Sinistaj and Others v. Montenegro*, pending implementation since 2015.

95 Council of Europe (2025), p. 157.

96 Data according to the online database of the Council of Europe (HUDOC).

97 Accreditation by the Global Alliance of National Human Rights Institutions (GANHRI).

98 In terms of recommendations in 2024,132 are pending, 111 are being implemented, 29 were partially complied with, 79 were not implemented, and 100 were complied with.

99 Country visit Montenegro, Ombudsperson's Office.

implemented. Stakeholders referred to lack of financial and staffing autonomy as main obstacles[100]. The Office has identified most rights violations, particularly in areas such as the prohibition of discrimination, the rights of the child, the right to good administration and legal protection, the rights of persons deprived of their liberty, and the right to work and employment law[101].

Civil society organisations function within an overall enabling environment, while several challenges persist. Montenegro's civil society landscape remains narrowed[102], with stakeholders noting a limited space for civil society organisations to operate effectively and a lack of structured dialogue between the Government and civil society[103]. While representatives from civil society organisations were systematically included in the working groups drafting laws and public policies, some stakeholders consider that more civil society organisations should be involved to ensure more diversity in the perspectives represented[104]. The 2022-2026 Strategy for cooperation between state administration bodies and civil society organisations continues to be implemented[105]. However, stakeholders perceive the impact of the Strategy's activities on public funding as inadequate, with some civil society organisations facing challenges in accessing funding for their projects. The lack of transparency and accountability in public funding has also been raised, with some organisations being concerned by a perceived lack of clear and accessible information about funding opportunities and the allocation of resources[106]. Not all ministries launched calls for proposals to finance civil society projects, as required by the Law on Non-Governmental Organisations, and challenges persist on strengthening their capacities for strategic planning, monitoring and evaluation of support provided to civil society organisations. Furthermore, the Council for Cooperation between the Government and civil society organisations did not meet despite having been re-established in February 2025. No cases of SLAPP against civil society organisations have been reported.

100 Country visit Montenegro, Ombudsperson's Office.
101 Ombudsperson's Office (2024).
102 CIVICUS (2025). Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.
103 Country visit Montenegro, Civil society organisations.
104 Country visit Montenegro, Civil society organisations.
105 Montenegrin Government (2025), p. 146.
106 Country visit Montenegro, civil society organisations.

Annex I: List of sources in alphabetical order*

** The list of contributions received in the context of the consultation for the 2025 Rule of Law report can be found at https://commission.europa.eu/publications/2025-rule-law-report-targeted-stakeholder-consultation_en .*

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Annex II: Country visit to Montenegro

The Commission services held hybrid meetings in March 2025 with:

- Agency for Electronic Media
- Agency for Prevention of Corruption
- Association of Judges
- Association of Prosecutors
- Association of Professional Journalists
- Association of Youth with Disabilities in Montenegro
- Centre for Civic Education
- Center for Democracy and Human Rights
- Civic Alliance
- Constitutional Court
- Council of Europe
- European Union support to the Rule of Law IV (EUROL IV)
- Help – Hilfe zur Selbsthilfe Montenegro
- High Court
- Human Rights Action
- Institut Alternativa
- Judicial Council
- Media Centre
- Media Institute
- Media Self-Regulation Council
- Montenegrin Bar Association
- Network for Affirmation of Non-Governmental Sector
- Ombudsman
- Organisation for Security and Cooperation in Europe
- Parliamentary Constitutional Committee
- Police specialised department for corruption and unit for financial investigation
- Prosecutorial Council
- Special State Prosecutor's Office
- State Prosecutor's Office
- Supreme Court
- Trade Union of Media of Montenegro
- Queer Montenegro
- Women's Right Centre

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International
- Araminta
- Civil Liberties Union for Europe
- Civil Society Europe
- European Civic Forum
- European Partnership for Democracy

- European Youth Forum,
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- JEF Europe
- Philea – Philanthropy Europe Association.
- Transparency International