

# MONITORING REPORT ON THE FREEDOM OF ASSEMBLY IN MONTENEGRO

September 2020 – May 2021



This report was developed within the project “Voice Your Rights! – Expanding Space for Free Assemblies”, implemented by the Institute Alternative in partnership with the Human Rights Action, supported by the European Union and co-financed by the Ministry of Public Administration, Digital Society and Media.

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## EXECUTIVE SUMMARY

This report assesses the situation concerning freedom of assembly and overall environment for the exercise of that right by citizens of Montenegro.

The eight-month long reporting period included 180 public assemblies; that equalled only 28 percent of the number recorded for the first three quarters of 2020. The number of the public assemblies that were temporarily banned was six, identical to the previous reporting period. The share of assemblies that resulted in violence or disorder was on the rise: close to **10 percent of the assemblies were not peaceful**, against 1.3 percent, which was the figure for the first nine months of 2020. The rising trend in the share of assemblies without advance notification was evident from the beginning of 2020: **more than 75 percent of the assemblies held in 2020 and in the first five months of 2021 were without advanced notification**. That prevented the police from developing timely policing plans.

Although the Constitution of Montenegro allows only temporary, rather than permanent restrictions on public assemblies, **an absolute ban on public assemblies was in place in Montenegro** during more than a half of the reporting period. **The Constitutional Court did not demonstrate a proactive approach** to guarantee the right to freedom of assembly during the coronavirus pandemic: the Court took ten months to respond to our initiative for the review of constitutionality and legality of the order banning political gatherings, dismissing it on the grounds that the order was no longer in force, although an identical measure, different from the previous one only in the reference number, was.

The legal gaps, in particular those related to regulation of spontaneous assemblies, produced further legal uncertainties. **Selective police treatment** was also recorded: on 12 May 2021, the police instructed the participants in a pro-Palestine protest in Podgorica to disperse, but did not do the same at the mass procession held on the same date in Niksic. Public opinion polls showed that the predominant view was that the police were not using excessive force, but 53 percent of citizens thought that the competent authorities were applying selective treatment, with unwarranted restrictions imposed on some assembly types and organisers. Only slightly more than one-third of citizens knew that assembly notifications were to be submitted to the Police Administration.

The media, as a major driver of the social environment that the assemblies take place in, frequently reported on politically sensitive assemblies without balance or objectivity. **Their bias** was most evident when highlighting that the assemblies that promoted ideas not close to their editorial policy breached the epidemiological measures and omitting any such notes in relation to other assemblies.

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Spontaneous public assemblies need to be better regulated and the Law has to be aligned with the Constitution in relation to the permanent ban on public assemblies. When setting the epidemiological measures, competent authorities should seek to preclude the counter-effects, such as assemblies without advance notification. Police officers need to continue with their professional development concerning the treatment of spontaneous assemblies and assemblies without advance notification. Further activities are needed to build citizen awareness concerning their rights and obligations and to strengthen parliamentary oversight of the exercise of the right to freedom of assembly.

# INTRODUCTION

The right to peaceful assembly is regulated by a number of international documents and constitutes a universally recognised fundamental right enshrined in the UN Universal Declaration of Human Rights.<sup>1</sup> That right is also guaranteed under the Constitution of Montenegro and the country's Law on Public Assemblies and Public Events,<sup>2</sup> which defines a public assembly as any peaceful assembly of more than 20 persons outdoors for the purpose of expressing political, social or other beliefs and objectives, protest, interest and distinction. Everyone is entitled to organise a public assembly, without requiring an approval, in line with the law and ratified international documents.

In addition to the legal framework, which is harmonised with the international standards, an appropriate democratic setting that allows civil action constitutes another prerequisite for the enjoyment of the right to public assembly. Safeguarding the freedom of public assembly is critical for establishing a tolerant and pluralistic society that allows co-existence of groups with diverse beliefs, ways of life or policies.<sup>3</sup>

Exercising the right to public assembly for the purpose of communicating politically sensitive views to decision-makers may be perceived by the government as a threat. Thus, a number of problems have been noted in Montenegro over the recent years concerning organisation of assemblies, including media campaigns and labelling's of organisers and participants, disinformation of organisers concerning their rights and obligations related to public assemblies, and (often violent) disruption of spontaneous public assemblies.

The Covid-19 pandemic further compounded the enjoyment of the freedom of assembly and brought to the forefront the dilemma about what takes precedence – unimpeded enjoyment of the right to public assembly or (health) safety of citizens. Although Montenegro did not declare state of emergency from the onset of the pandemic to the time when this report was finalised, the right to assembly was restricted and even terminated on several occasions.

The foregoing confirms the importance of monitoring the enjoyment of the right to public assembly and the actions taken by the competent institutions towards organisers and participants. This monitoring report aims to point to the challenges in the implementation of legal standards and to some possible gaps in the current legal

- 1 Article 20 of the UDHR: "Everyone has the right to freedom of peaceful assembly and association", UN Universal Declaration of Human Rights, 1948;
- 2 Law on Public Assemblies and Public Events (Official Gazette of Montenegro 052/16 of 09 August 2016);
- 3 OSCE/ODIHR – Venice Commission Guidelines on Freedom of Peaceful Assembly (2nd Edition), Strasbourg-Warsaw, 9 July 2010;



and institutional frameworks on public assemblies. Unlike other monitoring reports on public assembly produced by the Institute Alternative (IA)<sup>4</sup>, this report includes an analysis of media coverage of the protests, as media professionalism is a major factor in the establishment of a conducive environment for the exercise of the right to peaceful assembly.

The findings presented in this monitoring report were derived mainly from the documents obtained in response to the **request for free access to information**. IA sent to the Police Administration monthly requests for access to information on the number of public assemblies, number of assemblies that resulted in violence or disorder, number of assemblies temporarily banned or disrupted on site, number of assemblies that resulted in the use of police force, number of spontaneous and simultaneous assemblies, and the number of counter-protests. That analysis relied also on **publicly available documents**, such as the reports on the implementation of the Law on Public Assemblies and Public Events and the opinions issued by the Ombudsman Office. To verify our findings and obtain additional information, we set up a **focus group consisting of eight police officers**<sup>5</sup> responsible for policing protests and deciding on advance notifications of public assemblies. An **interview with the President of the Administrative Court**<sup>6</sup> was conducted to discuss the Court's decisions on the claims concerning public assemblies. Citizens' perceptions and level of information on the right to freedom of assembly were assessed through a survey implemented by IPSOS Agency for the purposes of this project.<sup>7</sup>

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4 Monitoring Report on the Freedom of Assembly in Montenegro (December 2019-September 2020), available at: <https://bit.ly/3xLQXa9>; Monitoring the Right to Free Assembly (2017-2018), available at: <https://bit.ly/3dacHF0>; Freedom of Assembly in Montenegro (2015-2016), available at: <https://bit.ly/3h4ANIL>; Monitoring Right to Free Assembly - Montenegro Country Report (2016-2017), available at: <https://bit.ly/3j3Yzkg>;

5 The IA focus group discussion held on 27 April 2021 via Zoom included officers from the police units of Podgorica, Niksic, Herceg Novi, Bar, Bijelo Polje, Pljevlja and Berane.

6 Interview with Mrs. Branka Lakocevic, President of the Administrative Court, held on 04 May 2021 at the Court premises in Podgorica.

7 Two thirds of Montenegrin citizens believe that protests can produce social change, IA, 04 May 2021, available at: <https://bit.ly/3zQ2B5R>

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The monitoring covered the **period** from September 2020 to May 2021. Still, in the aim of a more in-depth situation analysis and a more complete picture of the relevant trends, some aspects were observed over longer intervals of time. Thus, the media reporting analysis covered the period from 1 April 2020 to 1 April 2021. The analysis of the Administrative Court decisions covered the period from 1 October to 1 April 2021, and the analysis of Police Administration minutes drawn up with assembly organisers covered all of 2020 and the period until 1 April 2021. Draft Monitoring Report was presented at the final conference “Voice Your Rights! – Expanding Space for Free Assemblies”, held on 26 May 2021. The comments and suggestions received during that event also contributed to the Report.

**The Report opens with an overview of the current socio-political context in Montenegro** in which the public assemblies took place. **Part Two includes a general overview of public assemblies**, covering the trends in the number of public assemblies held, the share of banned and assemblies without advance notification and assemblies that resulted in violence or disorder etc. Ahead of the announced amendments to the Law on Public Assemblies and Public Events, **Part Three** of the report presents the key deficiencies of the current Law, with particular focus on the flawed provisions concerning spontaneous public assemblies and the Law’s non-conformity with the Constitution with regard to the restrictions on public assemblies. Following the legal analysis, **Part Four addresses the assemblies in practice**. We assessed the Police Administration’s overall treatment of public assemblies, including the process of administering and policing. **Part Five includes** an analysis of the media coverage of public assemblies. On the basis of quantitative and qualitative indicators applied to four print media, five TV outlets and nine Internet portals, we assessed the degree of objectivity when reporting on the protests taking place in the country. The Report ends with key recommendations for improvements in the field of public assemblies that were generated on the basis of identified challenges.



## THE SOCIO-POLITICAL CONTEXT: FREQUENT ASSEMBLIES AND STRONG DIVISIONS

Two-thirds of Montenegrin citizens believe that protests can lead to social change. Out of those, almost one-half see political changes as possible, while slightly over one-quarter believe that protests can contribute to a change in situations concerning environmental protection. Also, two-thirds of citizens know someone who participated in protests over the past few years, while two-fifths of respondents actually took part in protests.<sup>8</sup>

The survey results stated above show a **noticeable increase in the number of citizens who are ready to step into the public arena**, join protests and, by doing that, articulate their demands towards the authorities. On the other hand, the increase in the number of public assemblies is a reflection of strong political, ideological and national divisions in the society. The protests against the adoption of the Law on Freedom of Religion and the series of patriotic rallies following the opposition win in the general election held on 30 August motivated citizens to take part in protests over the past year.

With regard to the context for public assemblies in Montenegro during the given reporting period, it is important to note that Democratic Party of Socialists was defeated in the parliamentary election of 30 August 2020 after having spent thirty years in power. That triggered changes in the leadership of the Ministry of Interior and Police Administration, as the institutions of relevance for public assemblies.<sup>9</sup> The new Minister of Interior repeatedly stressed discontinuation with the practice of suppression of public assemblies by the police<sup>10</sup>, which had been observed during the previous government. In addition, the new government's Work Programme for 2021 envisaged amendments to the Law on Public Assemblies and Public Events, in particular to address the flawed regulation of spontaneous public assemblies. Still, although no cases of excessive use of police force were recorded, there were some instances of selective treatment; also, as presented below, problematic statements concerning public assemblies were made by the Prime Minister.

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8 Two thirds of Montenegrin citizens believe that protests can produce social change, IA, 04 May 2021, available at: <https://bit.ly/3zQ2B5R>

9 Following the election of the new Government on 4 December 2020, Veselin Veljovic resigned from the post of Police Administration Director on 17 December 2020. On 23 February 2021, Zoran Brdjanin was appointed Director a.i.

10 Sekulovic: The security situation is stable, but also complicated, available at: <https://bit.ly/2U0rStn>

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The rising trend in the number of public assemblies generated greater interest of the Parliamentary Defence and Security Committee in monitoring the exercise of the rights pertaining to them. The Committee conducted a control hearing of the Minister of Interior and discussed the incident that happened during the assembly held on 8 April 2021 on the main road at Bogetici. Police oversights in events that could jeopardise public order and peace were identified, resulting in the adoption of the conclusion binding the Ministry of Interior and Police Administration to provide full professional protection of lives and property of all citizens.

Freedom of assembly was monitored during the Covid-19 pandemic, which implied numerous orders on restrictions and even outright bans on public assemblies. In several of our public statements, we have suggested that such bans are unconstitutional, as Article 52 of the Constitution of Montenegro allows only temporary restrictions, but not denial of the right to peaceful assembly, given that state of emergency has not been declared to date.

## GENERAL OVERVIEW OF PUBLIC ASSEMBLIES: THE NUMBER OF PARTICIPANTS IN THE ASSEMBLIES HELD DURING THE YEAR EQUALLED TWICE THE POPULATION OF THE COUNTRY

	No. of public assemblies	No. of citizens at the assembly
2020	684	1,218,000
2019	425	880,000
2018	518	885,000

Over the past year, citizens of Montenegro showed an increasing readiness to join public assemblies and thus articulate their demands to the authorities. The latest Ministry of Interior Report confirmed this,<sup>11</sup> as it recorded **684 assemblies**. It also recorded that the number of people who had taken part in public assemblies and public events in the territory of Montenegro in 2020 was equal to twice the population of the country, at more than 1,200,000.

The rise in the number of assemblies over the past year was reflected in the results of the survey on freedom of public assembly conducted in April 2021. The survey showed that 40% of citizens had participated in a public assembly at some point in life, while two-thirds of respondents reported knowing somebody who had participated in protests or public assemblies over the recent years.<sup>12</sup>

During the reporting period, from September 2020 to May 2021 180 public assemblies took place in Montenegro. Most of them – 132, or 73% – were without advance notification.<sup>13</sup> The trend concerning the large share of assemblies without advance notifications was evident from the beginning of 2020. No advance notification had been provided for more than 75 percent of the assemblies in 2020 and during the first five months of 2021. That prevented the police from developing policing plans in time. Still, the number of public

11 Report on Implementation of the Law on Public Assemblies and Public Events for 2020, Ministry of Interior, Police Administration, Podgorica, March 2021.

12 Two thirds of Montenegrin citizens believe that protests can produce social change, IA, 04 May 2021, available at: <https://bit.ly/3zQ2B5R>

13 Data from the documents shared by the Police Administration following IA's requests for free access to information.

assemblies was lower than in the three initial quarters of 2020: the number of those held during the reporting period equalled only 28 percent of the number of those held in the three quarters of 2020. The drop was partly caused by the stricter epidemiological measures to counter Covid-19, but also by the adoption of amendments to the Law on Freedom of Religion or Belief and Legal Status of Religious Communities in Montenegro, which eliminated the incentive for the processions, which represented the most frequent assemblies in 2020. For instance, majority of the 224 public assemblies that took place in January 2020 were the processions.

It was recorded that 17 public assemblies resulted in violence or disorder; most of them took place in April 2021 (14). This constituted a rising trend, as almost 10 percent of all assemblies that were held were not peaceful, while the share of the ones that resulted in violence or disorder during the first nine months of 2020 was 1.3 percent. The Police Administration passed six decisions on temporary bans on public assemblies, the same as in the previous reporting period.

Despite the frequent absolute bans, assemblies were mainly unimpeded and the police did not use the means available for dispersion. Seven simultaneous assemblies took place, in October 2020 and January 2021; no counter-protests took place.

In relation to the protests that resulted in violence or disorder, it is important to note that at least three instances of physical and verbal violence against reporters were recorded during the given reporting period. The physical assaults occurred during the celebration of the electoral win in Niksic<sup>14</sup> and during the patriotic rally in Bijelo Polje<sup>15</sup>, while the verbal assault happened during the welcome home celebration for a boxing champion at the Podgorica Airport.<sup>16</sup> Some public assemblies were marked by assaults on police officers and members of the military. During the focus group discussion, the police officers stressed that the case where a police officer suffered verbal abuse and punches on 14 March 2021 in Niksic during the celebration of the former opposition's electoral win was classified by the Prosecution Service as violent behaviour, rather than assault on a public official.<sup>17</sup> Members of the military and a police officer were attacked during a protest held at Bogetici on 8 April 2021; one of the attackers was suspected of the criminal

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14 "Take a look at the incident in which a Vijesti's journalist was injured", Vijesti, 14 March 2021 available at: <https://bit.ly/2SnWEw7>

15 "Sadiković was attacked during a "partiotic" assembly and two persons were detained", Vijesti, 20 March 2021, available at: <https://bit.ly/2SkKrlo>

16 "Šofranac does not want to file a report, statements taken from two persons", Vijesti, 25 April 2021, available at: <https://bit.ly/3zL4FvM>

17 "Jevtić is suspected of the criminal offence of violent behavior", Vijesti, 25 March 2021, available at: <https://bit.ly/3d83g8N>

offence of violent behaviour, and the other of assault on a public official conducting an official duty.<sup>18</sup>

The reporting period considered here started with celebratory rallies following the opposition's win in the elections held on 30 August. Numerous patriotic rallies followed in response; the largest one was held on 6 September – according to the Police Administration assessment, 50,000 citizens gathered on the Independence Square on that day. Citizen assemblies in several Montenegrin towns took place also in response to the Kotor Court decision in a traffic accident case, construction of small hydro-power-plants at Bare Kraljske and Skrbusa, plans to hold military drills on Mount Sinjajevina, and the epidemiological measures that spurred a series of protests of hospitality businesses.

## Temporary bans on public assemblies during the reporting period

Between September 2020 and May 2021, the Police Administration passed six decisions on temporary bans on the public assemblies presented below.

1. In November 2020, the Police Administration banned the **traditional procession honouring Saint Demetrios**, planned for 8 November. The police stated that the application had not come in in time (five days ahead of the event) and required the organisers to immediately inform the public that the assembly was not allowed.
2. Another public assembly that got banned had been reported to the Police Administration by a citizen. It was intended to take place in Budva in November 2020 as a **protest against the local authorities laying a wreath on the memorial plaque at the entrance to Budva Old Town**. The Police Administration banned the assembly, stating that the organiser had submitted an advance notification for a gathering of 500 to 50, 000 participants, which would have posed a threat to public health. Still, the protest in Budva took place, despite the police ban; the organiser was apprehended the next day and released soon afterwards. He was suspected of the commission of the criminal offence of non-compliance with the health regulations on stopping a dangerous infectious disease.<sup>19</sup>
3. In December 2020, the **Association of Hospitality Businesses** submitted to the Police Administration an application for a public assembly against the measures

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18 "Two persons arrested for attacking military officers", Vijesti, 10 April 2021, available at: <https://bit.ly/3gXTEij>

19 "Radović is released from police station; admitted organizing public assembly in Budva", Vijesti, 16 November 2020, available at: <https://bit.ly/3j4fymA>

imposed by the Ministry of Health. That assembly was not allowed either, as the Police Administration estimated it could threaten public health and generate the risk of spreading of Covid-19. According to the Police Administration rationale, which we received following the request for free access to information, there had been no proper advance notification, and the duration (apart from the beginning of the assembly) and number of attendees had not been specified. The group of hospitality professionals who had planned the protest stated that “although this decision of the Police Administration is unlawful, we will comply with it”<sup>20</sup> and the assembly was cancelled.

4. The Police Administration passed another decision banning a public assembly in December 2020. Advance notification had been submitted by the **Montenegrin Orthodox Church, for a protest against the amendments of the Law on Freedom of Religion**. The Police Administration banned the assembly to prevent the spread of the coronavirus. The police also stated that the notification had not been timely and that it had proposed a date that had already passed.
5. In January 2021, the Police Administration received a notification that resulted in a temporary ban. It referred to a protest of former and current workers of the **Bauxite Mine**. The Police Administration passed the decision on the temporary ban of the public assembly to prevent the threat of covid-19 spreading. It was also stated that the notification had not used the prescribed form, lacked the organiser’s identification number (JMBG) and address, agenda, aim and estimated number of participants.
6. The last notification that resulted in a temporary ban during the given reporting period was the one submitted by the **Trade Union of Toscelik Steel Mill**. It referred to a gathering of 100 participants outside the Steel Mill’s Office Building in Niksic on 1 April, aiming to bring attention to the difficult situation of the mill and its workers. The Police Administration issued a temporary ban on the grounds of preventing a threat to public health arising from the spreading of coronavirus, in line with the Ministry of Health Order.

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20 “Association of Hospitality Businesses gave up the protest in front of the Government building”, Vijesti, 28 December 2020, available at: <https://bit.ly/2TZSuLm>



## **Epidemiological measures as restrictions to public assemblies during the reporting period**

Together with the Human Rights Action (HRA), Institute Alternative insisted on the observance of human rights, underlining that the right to peaceful assembly had to be secured during the pandemic, along with public health protection, in particular since Montenegro had not declared state of emergency. During the period covered by this Monitoring Report, the right to public assembly was either restricted or completely banned on several occasions.

First of all, the National Coordination Body for Infectious Diseases (NCB) issued the Order to take temporary measures to prevent importation, contain and prevent transmission of the novel coronavirus<sup>21</sup> which imposed an outright ban on public assemblies and all other gatherings in public places.

On 1 December 2020, together with HRA, we asked the former Minister and NCB Chair Mr Kenan Hrapovic to urgently amend the Order banning public assemblies and to secure citizens' right to protests that do not pose a threat to public health.<sup>22</sup> In the letter to the then Minister we expressed our expectations that the Order would be expressly amended without waiting for the Constitutional Court's decision on our initiative for a review of constitutionality of the ban on public assemblies. We also stressed that the Constitutional Court of Germany had repealed the ban on public assemblies in April 2020, establishing that assemblies with a limited number of participants wearing facemasks and keeping physical distance should be allowed.<sup>23</sup>

We re-submitted the request to amend the Order banning public assemblies once the new government was established in December 2020; outdoor gatherings of up to 25 people were subsequently allowed.<sup>24</sup> However, from March to May 2021 citizens were once again denied the right to public assembly by means of another order. According to the latest measures, as of 20 May 2021, outdoor gatherings of up to 20 people are allowed, provided that other general measures are complied with.

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21 Official Gazette of Montenegro 110/20 of 14 November 2020.

22 IA and HRA: Appeal to Urgently Provide the Right to Public Assembly" <https://bit.ly/3j958SA>

23 "Residents of the village Rečine blocked the road to Skrbuša: The police left, the communal inspection came", 25 November 2020, available at: <https://bit.ly/2UnTusG>

24 "IA and HRA: Amend the Order Banning Public Assemblies", 11 December 2020, available at: <https://bit.ly/3xRjKub>

We wish to remind here that the HRA and IA submitted the initiative to review the constitutionality of the initial bans on public assemblies already on 30 June 2020.<sup>25</sup> The Constitutional Court Decision rejecting the initiative followed 10 months later<sup>26</sup>, accompanied by the explanation that the specific Order had become ineffective in the meantime. Paradoxically, at the very time when we received the Court's Decision, the Ministry of Health Order that imposed a full ban on public assembly was in force<sup>27</sup>. That Order differed from the previous one only in its reference number.

**Below is the overview of the epidemiological measures that restricted/terminated the right to public assembly from the onset of the Covid-19 pandemic in Montenegro:**

March 2020 – May 2020	Ban on indoor and outdoor assemblies in public places
May 2020 – July 2020	Indoor and outdoor assemblies of up to 200 people allowed
July 2020	Ban on more than two persons moving and staying in an open public place
August 2020 – November 2020	Outdoor assemblies of up to 100 people and indoor assemblies of up to 50 people allowed
November 2020 – December 2020	Ban on indoor and outdoor assemblies
December 2020 – March 2021	Notified public assemblies of up to 25 people and up to 60 minutes allowed
March 2021 – May 2021	Absolute ban on public assemblies
20 May 2021	Outdoor assemblies of up to 20 people

## Cases of selective treatment by the Police Administration

In principle, despite the absolute bans, public assemblies were largely held without any impediments during the reporting period. Although the survey results suggested that the predominant view was that the police were not using excessive force, 53 percent of citizens thought that the competent authorities treated specific types and organisers of public assemblies selectively. Such public perception was reinforced by the specific cases

25 Initiative to launch the procedure for the review of constitutionality and legality of the Order to undertake temporary measures to prevent importation, contain and prevent transmission of the novel coronavirus, No: 8-501/20-129/1018 (Official Gazette of Montenegro 62/20)

26 Constitutional Court Decision of 17 March 2021, U-II No. 38/20, Podgorica.

27 "IA and HRA: Appeal to Urgently Provide the Right to Public Assembly", 01 December 2020, available at: <https://bit.ly/3j958SA>

of selective treatment of public assemblies. Selective actions of the Police Administration were noted; they were identified, for the first time, in the official Ministry of Interior Report on Public Assemblies and Public Events for 2020. One of the more drastic examples related to the active role of the police in enabling mass assembly in the centre of Podgorica on 6 September 2020: the police facilitated citizens arriving to the assembly, although a few weeks earlier, in August 2020, it prevented car processions from several towns from entering Podgorica.<sup>28</sup>

Instances of selective treatment by the Police Administration were noted even after the change of police leadership, most evidently when the police warned participants in the peaceful pro-Palestine support at the Independence Square in Podgorica on 12 May 2021 that the assembly had not been notified in line with the Law and that they had to observe the Ministry of Health measures for containing and preventing the spreading of coronavirus. The participants dispersed after that warning issued by the police officers. On that same day, a mass procession took place in Niksic without any intervention. There is no record that the police issued the participants of that assembly a similar warning as they did in Podgorica; that was confirmed in the Police Administration response<sup>29</sup> to the letter sent by IA and HRA.<sup>30</sup> That amounted to discrimination against participants in public assemblies, as the police tolerated breaches of health regulations at the much bigger assembly and warned those participating in the smaller assembly in Podgorica.<sup>31</sup> Ahead of the assemblies, the Prime Minister Zdravko Krivokapic said that it was not possible to ban the traditional mass procession celebrating St. Basil's Day, and at the same time asked citizens to refrain from assemblies during the summer months to enable control of the outbreak during the tourism season.<sup>32</sup> That contributed to the general impression concerning the authorities' selective approach to public assemblies, in particular in the light of the fact that the Prime Minister himself attended several mass gatherings during the given reporting period, including the funeral of the Metropolitan of Montenegro and the Littoral Amfilohije on 30 October 2020, breaching the epidemiological measures.

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28 "Police prevented car processions to enter Podgorica", Radion Free Europe, 23 August 2020, available at: <https://bit.ly/3zMaeKq>

29 In its response to the IA and HRA, the Police Administration stated that the state prosecutor at the Basic State Prosecution Office in Podgorica had been informed about the assembly, that he stated there were no elements of a criminal offence prosecuted *ex officio*, and that the police officers then stopped taking further actions against the gathered citizens.

30 "Authorities to stop selective treatment of public assemblies", IA and HRA, 13 May 2021, available at: <https://bit.ly/3zMaeKq>

31 Police Administration response to the IA letter, 26 May 2021, No. 218/21-14074.

32 Radio Free Europe, 6 May 2021, available at: <https://bit.ly/2SnFX3L>

## Public assemblies in Montenegro during the reporting period

SEPTEMBER 2020	
Total number of assemblies held	8
Number of assemblies that resulted in violence or disorder	1
Total number of assemblies that were banned, terminated on site or otherwise restricted	0
Total number of assemblies that resulted in use of police force	0
Number of unannounced public assemblies	2
Total number of unannounced public assemblies that were held	2
Number of public assemblies held simultaneously	0
Number of counter-protests	0
OCTOBER 2020	
Total number of assemblies held	11
Number of assemblies that resulted in violence or disorder	0
Total number of assemblies that were banned, terminated on site or otherwise restricted	0
Total number of assemblies that resulted in use of police force	0
Number of unannounced public assemblies	5
Total number of unannounced public assemblies that were held	
Number of public assemblies held simultaneously	5
Number of counter-protests	0
NOVEMBER 2020	
Total number of assemblies held	13
Number of assemblies that resulted in violence or disorder	0
Total number of assemblies that were banned, terminated on site or otherwise restricted	2
Total number of assemblies that resulted in use of police force	0
Number of unannounced public assemblies	6
Total number of unannounced public assemblies that were held	6
Number of public assemblies held simultaneously	0
Number of counter-protests	0
DECEMBER 2020	
Total number of assemblies held	11
Number of assemblies that resulted in violence or disorder	0
Total number of assemblies that were banned, terminated on site or otherwise restricted	3
Total number of assemblies that resulted in use of police force	0
Number of unannounced public assemblies	11
Total number of unannounced public assemblies that were held	10
Number of public assemblies held simultaneously	0
Number of counter-protests	0

JANUARY 2021	
Total number of assemblies held	20
Number of assemblies that resulted in violence or disorder	0
Total number of assemblies that were banned, terminated on site or otherwise restricted	0
Total number of assemblies that resulted in use of police force	0
Number of unannounced public assemblies	15
Total number of unannounced public assemblies that were held	15
Number of public assemblies held simultaneously	2
Number of counter-protests	0
FEBRUARY 2021	
Total number of assemblies held	5
Number of assemblies that resulted in violence or disorder	0
Total number of assemblies that were banned, terminated on site or otherwise restricted	0
Total number of assemblies that resulted in use of police force	0
Number of unannounced public assemblies	1
Total number of unannounced public assemblies that were held	1
Number of public assemblies held simultaneously	0
Number of counter-protests	0
MARCH 2021	
Total number of assemblies held	37
Number of assemblies that resulted in violence or disorder	2
Total number of assemblies that were banned, terminated on site or otherwise restricted	0
Total number of assemblies that resulted in use of police force	0
Number of unannounced public assemblies	30
Total number of unannounced public assemblies that were held	30
Number of public assemblies held simultaneously	0
Number of counter-protests	0
APRIL 2021	
Total number of assemblies held	75
Number of assemblies that resulted in violence or disorder	14
Total number of assemblies that were banned, terminated on site or otherwise restricted	1
Total number of assemblies that resulted in use of police force	0
Number of unannounced public assemblies	63
Total number of unannounced public assemblies that were held	63
Number of public assemblies held simultaneously	0
Number of counter-protests	0

# THE LEGAL FRAMEWORK: HARMONISATION WITH INTERNATIONAL STANDARDS IS NEEDED

Although the Law on Public Assemblies and Public Events, originally adopted in 2005, was subject to six rounds of amendments, it is still not fully in conformity with the Constitution and the international standards. Spontaneous assemblies, introduced in the legal framework in the most recent round of amendments to the Law in 2016 as a specific type of assemblies that occur in response to some unforeseen events, are not regulated with sufficient precision. This was identified in the Government Work Programme for 2021, which envisaged amendments to this section of the Law.<sup>33</sup>

Introduction of spontaneous assemblies in the legal framework was not optimal and left a lot of room for a wide range of interpretations. Although the Law recognises them, its Article 13 stipulates the obligation of the police officer to inform the participants in a spontaneous assembly that it was “not organised in accordance with the law“. This legal imprecision has been used by the Police Administration to disrupt certain politically sensitive spontaneous assemblies by asking the participants to disperse and taking action if they did not comply. In other words, if introducing spontaneous assemblies into Montenegrin legislation was a way to legitimise citizens’ urgent response to some developments in the society<sup>34</sup> and harmonise the Law with international standards, the Police Administration, even after the adoption of the Law, treated them as assemblies without advance notification and asked the organisers to comply with the law and notify assemblies. The Report on the Implementation of the Law on Public Assemblies and Public Events for 2020<sup>35</sup> recognised that the framework established by the Law was not being applied to spontaneous assemblies and noted that the police had used force to disperse some such assemblies.

**The current legal provision reads as follows:**

## **Spontaneous assemblies**

### **Article 13**

In the event of more than 20 persons assembling in an outdoor area fit for public non-violent expression of political, social and other beliefs and aims, protests, interests and distinctions in response to some developments and if such assemblies could not have been foreseen or organised in accordance with this Law, the police officer shall inform the participants that the assembly was not organised in accordance with this Law and warn them that they are required to comply with the law.

33 Government of Montenegro Work Programme for 2021, Government of Montenegro, March 2021, p. 71, available at: <https://bit.ly/3vWRyV3>

34 Rationale accompanying the Proposal for the Law on Public Assemblies and Public Events from 2016.

35 Report on the Implementation of the Law on Public Assemblies and Public Events for 2020, Police Administration, March 2021.



Apart from Article 13 of the Law, the legislator failed to ensure the right to spontaneous assemblies in other sections. Thus, Article 17 paragraph 1 of the Law, which stipulates the situations when police officers are authorised to disrupt a public assembly, says that an assembly may be disrupted if it was not notified or allowed. Although spontaneous assemblies fall into the category of the not notified ones, as they are impossible to plan and notify in line with the procedure, the Law does not say that spontaneous public assemblies are not to be disrupted in the manner described.

The Law is in conflict with the Constitution. Although the Constitution of Montenegro regulates the freedom of peaceful assembly in line with international standards, stating that freedom of assembly may be restricted only temporarily and not permanently, the Law on Public Assemblies and Public Events stipulates a permanent ban against organising public assemblies within the 10-meter perimeter of the Government building and within the 15-meter perimeter of the Parliament, Presidency and Constitutional Court.

**The Constitution guarantees freedom of peaceful assembly without requiring an approval, provided that advance notification is submitted to the competent authority. Freedom of assembly may be temporarily restricted by virtue of the competent authority's decision, in the aim of preventing disorder or commission of criminal offence, threat to health or morality, or in the aim of security of persons and property in line with the law.**

Besides the imprecisions and lack of harmonisation with the Constitution, some additional provisions of the current Law could be improved and further harmonised with international standards. Under the current Law, a public assembly implies an outdoor gathering of more than 20 persons, while the OSCE Guidelines on Freedom of Public Assembly require the presence of at least two persons and state that an individual wishing to exercise the right to protest and freedom of expression should be afforded the same protection as those who gather together as an assembly.<sup>37</sup>

Furthermore, although stronger positive obligations of the state concerning the security provided by the police in cooperation with the relevant authorities and services were introduced in 2016, assembly organisers are still being held liable for the order during the assembly, which goes against international standards.<sup>38</sup> Organisers of public assemblies

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37 OSCE/ODIHR – Venice Commission Guidelines on Freedom of Peaceful Assembly (2nd edition), Strasbourg – Warsaw, 9 July 2010, Study no. 581/2010, p. 20.

38 "Organizers of peaceful assemblies should never be held liable for the unlawful behaviour of others", Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, para. 78, available at: <https://bit.ly/35K5Yxo>

are required to hold the assembly (Article 8), take necessary measures (Article 9), enable unimpeded passage for police vehicles, ambulances or fire engines and other services' vehicles necessary to maintain order and peace during the assembly (Article 16.). Finally, the Law does not recognise or regulate simultaneous public assemblies of participants promoting opposed views, or counter-protests.

One question that arose during the given period was also whether members of the military or the police had the right to participate in public assemblies, specifically in religious processions. Not just the IA and HRA, but the Ombudsman as well pointed to discrimination of members of the military when the Chief of the General Staff of the Armed Forces put them on report over their participation in the processions.<sup>39</sup> The Ombudsman recommended to the Ministry of Defence and the General Staff to refrain, in future instances, from interfering with the exercise of the right to freedom of peaceful assembly by the complainants and other persons in the military service; that referred also to refraining from prohibiting their participation in public assemblies when they are not wearing their "military uniforms or parts thereof".<sup>40</sup>

At the meeting held on 4 May 2021, the Government of Montenegro approved the Proposal for the Law on Internal Affairs, deleting the ban on police officers' attendance of protests, party and other political assemblies in uniform. **Instead of the ban on "political" activism**, the Proposal for the Law introduced the ban on "party" activism of police officers.

The Proposal for the Law regulated, for the first time, use of force at public assemblies. Article 95 regulated use of force against persons gathering or acting unlawfully, persons who could generate violence, or if violence has already occurred, granting use of force only upon orders issued by the superior officer. On the other hand, the Proposal for the Law introduced an article on the exercise of police powers against vulnerable categories, i.e. persons under the age of 14, visibly ill, old and incapacitated, persons with disabilities, persons with severely impaired mobility and visibly pregnant women.

Article 56f of the Proposal for the Law included another novelty, referring to the obligation to provide written notice to assembly organisers of the intention to record the public assembly; the previous legal provision did not impose such an obligation on the Police Administration.

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39 "Army and Police Officers: Right to Attend Public Assemblies", IA and HRA, 04 March 2020, available at: <https://bit.ly/3zB03bs>

40 Ombudsman Opinion No: 01-239/20-2 of 27 May 2020, available at: <https://bit.ly/3vS9fVY>

## PUBLIC ASSEMBLIES IN PRACTICE: THE KEY ROLE OF THE POLICE

The Law on Public Assemblies and Public Events requires advance notification of public assemblies at least five days ahead of the date. Assembly organisers are required to use the prescribed form to deliver to the Police Administration data on the organiser, venue, date, time, duration, agenda and aim, along with an estimated number of participants. Citizens can obtain the form from the Ministry of Interior website and the e-government website.<sup>41</sup>

Our recent survey<sup>42</sup> checked the level of information among citizens concerning the method of notification and organisation of public assemblies. When asked “Do you know who to notify if you wanted to organise a public assembly/protest?” most citizens were able to give the correct answer and state the Police Administration (37%), while 19% stated the Ministry of Interior. However, **more than a third of respondents did not know** (36.1%) or did not want to give a specific answer to this question.

**Only 26 percent of the assemblies held during the reporting period were notified in accordance with the law.**

In parallel with the bans on public assemblies, the number of public assemblies without advance notification increased: out of the total number of 180 assemblies held during the given period, only 48 were notified to the Police Administration. Although some of the assemblies were evidently spontaneous, it was noticed that citizens tried to circumvent the temporary bans by not notifying the assemblies that were likely to take place. That made it more difficult for the Police Administration to identify the organisers who would be held responsible for organisation of assemblies and to develop timely policing plans.<sup>43</sup>

On the other hand, if an assembly was assessed by the Police Administration and found to be safe and subsequently not issued a temporary ban, the **organiser and the Police Administration had the option of holding consultations**. Under Article 12 of the Law on Public Assemblies and Public Events, the police may invite the organiser for consultations to eliminate ambiguities, irregularities and dilemmas concerning the public assembly. In the focus group discussion with the Police Administration staff tasked with

41 The form for advance notification of a public assembly to Police Administration, available at: <https://bit.ly/3gRCfsx>

42 “Two thirds of Montenegrin citizens believe that protests can produce social change”, IA, 04 May 2021, available at: <https://bit.ly/3zQ2B5R>

43 Highlighted during the focus group discussion with police officers conducted by the Institute Alternative.

deciding on notifications or policing assemblies<sup>44</sup>, **the participants reported that the standard practice in relation to public assemblies was for organisers to consult with the commanding officer or sector leader.**

”During a public assembly, there is constant cooperation with the organiser – the officer in charge of policing the assembly and the organiser of the assembly communicate ahead of, during and after the assembly”, reported one of the focus group participants involved in deciding on notifications.

Judging by the official records delivered to the IA upon requests for free access to information, the Police Administration conducted more than 140 consultations with public assembly organisers during 2020 and until 1 April 2021. Although official records were not stipulated by a law or bylaw, in more than 90% of cases the organisers signed generic official records that included a list of organiser’s obligations ahead of and after the assembly<sup>45</sup>, confirming with their signatures that they had been informed.

The official records that enabled us to learn the contents of the conversations between organisers and police officers included some cases of deterrence and disinformation of organisers. In one case the police officers warned the organisers of the ban on protest marches along main roads; in another, the organiser was told that the police would not police any protest marches that had not been timely notified and that the organiser would be assuming that obligation instead. According to the Law on Public Assemblies, all duties related to policing of a public assembly are performed by the police, in cooperation with other competent authorities and services; under international standards, however, the police are required to control traffic during the assembly, and disruption of traffic is not considered to constitute legitimate grounds for banning an assembly, especially not if the assembly was timely notified.<sup>46</sup>

## **The Administrative Court and decisions on the claims concerning banned public assemblies**

When the Police Administration issues the decision imposing a temporary restriction on a public assembly, the organiser may file a claim with the Administrative Court of Montenegro within 24 hours from the receipt of such decision. The police are required

44 Focus group held on 27 April 2021 with eight Police Administration officers from the units in Podgorica, Niksic, Herceg Novi, Bar, Budva, Bijelo Polje, Pljevlja and Berane.

45 The same official records were signed by public assembly organisers in several police units and stations; the records included information on the organiser, venue and date, the organiser’s obligations under the Law on Public Assemblies and Public Events, and the situations when police officers could disrupt a public assembly.

46 See: Balçık and others v. Turkey (case no. 25/02) (2007), paragraph 52, European Court of Human Rights, 2007, available at: <https://bit.ly/3vTV42u>

to immediately deliver their answer to the claim with the case file to the Administrative Court, and the Court is required to decide within 48 hours from the receipt of the case file. Although the short deadline for the Court's decision was introduced in order to enable the organiser to go ahead with the assembly if the Court upheld the claim, this legal remedy was not frequently used by citizens during the reporting period and the outcomes were not positive for the organisers.

According to the documents provided by the Administrative Court upon request for free access to information, from 1 October 2019 to 1 April 2021, the Court **received three claims contesting the decisions issued by the Police Administration that imposed temporary bans on assemblies**. None of the claims led to the organisers holding a public assembly, as two rulings and one decision were passed, all of them dismissing the claims.

Although required to decide within 48 hours, in two of the three cases the Administrative Court did not observe the deadline. One of the rulings shows that the organiser filed the claim with the Court on 01 July 2020 **and that the Court passed the decision dismissing the claim<sup>47</sup> on 23 April 2021, or ten months later**. In response to the claim dated 8 May 2020, the Court passed the ruling dismissing the claim eight days later.<sup>48</sup> Only in one case did the Court decide within the deadline.<sup>49</sup>

The reason behind the disparate timelines for decisions on the cases, as stated in the interview conducted with the President of the Administrative Court, was the demanding nature of the 48-hour deadline. One of the key reasons for delayed decisions was late delivery of case files by the Police Administration, which had to be taken into account when deciding the case.

”*The problem of late decisions of the Administrative Court (the deadline being within 48 hours from the claim) could be overcome if there electronic exchange of case files and electronic communication between authorities were possible*” – **Branka Lakocevic**, President of the Administrative Court.

Recalling the 2018 case when the Administrative Court found that the ban on holding the assembly (“Pride Parade” in Niksic) breached the freedom of peaceful assembly, although the Administrative Court initially supported the ban, we inquired whether the Court decided on the merits when assessing the Police Administration security

47 Administrative Court Ruling U. No. 2675/20 of 23 April 2021 on the claim filed by the Metropolitanate of Montenegro and the Littoral.

48 Administrative Court Decision U. No. 1910/20 of 14 May 2020 on the claim filed by the Eparchy of Budim and Niksic, dated 08 May 2020;

49 Administrative Court Ruling U. No. 1071/20 of 06 March 2020 on the claim filed by the Metropolitanate of Montenegro and the Littoral, dated 04 March 2020.

assessment. In the three mentioned cases, the Court found that the Police Administration had correctly assessed the facts of the situation, and the Court President stated that the Court decided on the basis of the Police Administration assessment, but also determined whether the arguments stated by the Police Administration could lead to certain risks.

## Policing public assemblies

The respondents in the IA's survey largely held positive views concerning police treatment of public assembly participants. Thus, 38% percent thought that the police were responding in line with their powers and the situation during the protests, while 41 percent thought that the police were too lenient in their assessment of security risks and that they allowed practically any notified public assembly/protest to take place.

During the reporting period, the Police Administration passed the decisions to temporarily ban **six assemblies**: in Niksic (2), Podgorica (2), Budva and Kolasin. Potential threat to public health due to transmission of COVID-19 virus was stated as the main reason for such temporary bans, together with lack of timely and orderly notifications of public assemblies using the prescribed form.

The official records delivered to the IA by the Police Administration included a certain number of cases when the police unit officers **deterred or advised organisers to withdraw notifications of assemblies**. An illustrative example is the notification filed by the representatives of the NGO set up by the workers at "Vektra Boka" Company in February 2021. The notification stressed, *inter alia*, that the assembly would be held without any threat to public health and in compliance with the measures and that the planned size of the group was 20-30 people.

During the given period, according to the Ministry of Health Order to take temporary measures to contain the coronavirus, **outdoor assemblies of up to 25 people were allowed**, provided they did not go on for longer than one hour and the participants kept physical distance. The official records of the Herceg Novi police unit said that the police officer "contacted the organiser by phone and informed him that due to the epidemiological situation the law prohibited any gathering of citizens in public places, i.e. any gathering of more than 20 citizens, and that, to avoid entering the zone of criminal liability, the assembly must not be attended by more than 20 citizens." Following this suggestion, the organiser cancelled the assembly.



The constant problem of disparate interpretations of spontaneous assemblies, caused by imprecise regulation, was noted also during this period. The recently published Ministry of Interior Report noted for the first time that spontaneous assemblies were not considered in line with the framework set by the law.

”Some public assemblies that were indisputably spontaneous by nature, in the sense of the law and ratified international agreements, were registered by the Police Administration organisational units as public assemblies without advance notification. Consequently, those assemblies were treated by the Police Administration in such a way that participants were asked to disperse, and if they failed to comply with that order the police took action to exercise their powers and even use force, as stated in this Report”, stated the Ministry of Interior Report.<sup>50</sup>

Although international standards highlight the importance of tolerating peaceful spontaneous public assemblies, one of the police officers from the focus group thought that spontaneous public assemblies did not meet any of the requirements that a public assembly must meet in order to be allowed.

”For this reason, we always ask citizens to disperse, irrespective of whether the public assembly was peaceful or carried some risk. The commanding officers are required to warn citizens that they are committing a misdemeanour due to the very fact that they are attending an assembly that was not allowed”, he reported.

In addition, in relation to policing of public assemblies and awareness of international standards applicable, the police officers recognised room for upgrading the training programme. One of the female police officers in the focus group said: “Police training must be much more comprehensive than it currently is. At the Police Academy we attend training that is strictly related to crowd control at public assemblies in case there is infringement of public order and peace. Only a small number of officers have been trained on policing protests and communicating with organisers. “

With regard to police actions when policing public assemblies, it is important to stress that, as the police officers reported, operational coverage and surveillance take place for each public assembly, including recording by the crime-tech team. Plain-clothed police officers are also mixed with the crowd at each assembly, on the argument that that serves to protect the attendees from potential risks.

<sup>50</sup> Report on Implementation of the Law on Public Assemblies and Public Events for 2020, Ministry of Interior, Police Administration, Podgorica, March 2021.

## MEDIA COVERAGE OF PUBLIC ASSEMBLIES: VISIBLE POLARISATION

Observance of professional and ethical standards in reporting serves as one of the indicators used to assess the degree of development of a democratic environment for organising and participating in public assemblies. The way the media in Montenegro report and present assembly organisers and background may help us assess the environment in which those assemblies take place and the extent to which citizens are encouraged to collectively and individually express, promote, pursue and defend their ideas.

Our recent survey asked citizens whether they thought the media in Montenegro reported objectively on public assemblies. The results showed that **three out of five citizens of Montenegro thought that media coverage was mainly biased and not objective**; the respondents reported getting their information from the social media and TV.

Labelling and discrediting of public assembly organisers through reporting on their private lives, relativisation of public assemblies by underestimation of the number of attendees, tendentious promotion of interests of a specific group or individuals, linking civil public assemblies with parties or ideologies – these were just some of the forms of unprofessional reporting that we could witness during the past years and that citizens and the civil sector reacted to. Highly polarised media, increasing disinformation, weak self-regulation mechanisms, concern over editorial independence and professional standards of the national Public Broadcaster were noted also in the latest European Commission Report on Montenegro.<sup>51</sup>

To assess the degree of professionalism in reporting on the public assemblies held in Montenegro, besides using the press clipping from Arhimed's database for 1 April 2020 – 1 April 2021, we reviewed the reports of the daily press (Dan, Vijesti, Dnevne Novine, Pobjeda), TV stations (Prva, Pink, Vijesti, RTCG, A1 – prime news programme) and web portals (CDM, Analitika, RTCG, Vijesti, AntenaM, Standard, FosMedia, In4S and Borba).

### Quantitative indicators

The frequent assemblies held during the given period were the theme of a large number of media reports. Thus, the media listed above reported at least 3,934 times on public assemblies in the course of one year – that amounted to some 11 newspaper articles or TV reports per day.

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51 European Commission Report on Montenegro for 2020, European Commission, Brussels, 6 October 2020, available at: <https://bit.ly/3xNY6H7>

It should be noted that the frequency of articles and reports varied over the 12 months analysed here, depending on the number of assemblies and on the importance and popularity of their respective causes in the society, and even on how relevant the topic was for the specific media outlet.

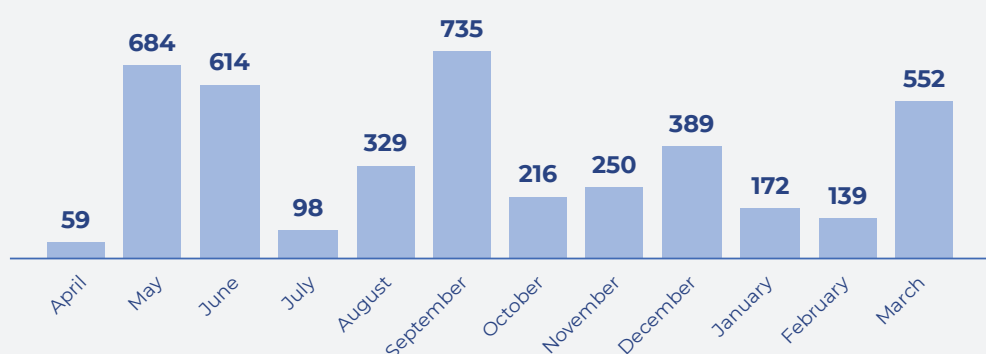
The number of media reports peaked in September 2020, with more than 700 articles and TV reports on a range of topics. During that month, the media reported mainly on the celebrations of the electoral win and on the patriotic rallies that followed in response. The other themes covered by the media included the protests of the hospitality businesses against the epidemiological measures, citizen protests against the Kotor Court decision in the case of a fatal accident at sea, protests of former Aluminium Plan (KAP) workers, and protests against the construction of small hydro-power-plants in the northern region of the country.

Apart from September, the number of media reports was the highest in May and June of 2020, at 600 articles or TV reports during each of the two months. The media reported the most about citizens assembling in the processions in several Montenegrin towns; after the pause in April during the lockdown, the processions resumed in May. Besides the processions, the media reported also on the protest marches of MP Danilovic, car processions on St. Basil's Day, citizen protests over the apprehension of priests, and Independence Day celebration. The second half of June was marked by the articles on citizen protests that followed in response to the political developments in Budva.

Due to the lockdown and ban on movement and assemblies, the lowest number of media reports was recorded in April; the articles during that month concerned mainly attendance of religious service in objects of worship.

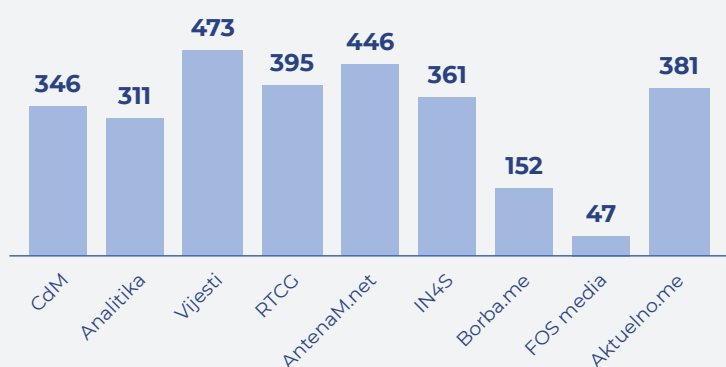
**Some 11 newspaper articles or reports on public assemblies in the most-read and most-watched media each day.**

**Number of articles/TV reports  
on public assemblies in Montenegro,  
April 2020 - April 2021**



The electronic media (Televizija Crne Gore, TV Vijesti, Prva, Nova M, A1 and Pink M) aired 439 reports on public assemblies during the given period. The print media (ND Vijesti, Dnevne Novine, Dan and Pobjeda) had 583 headlines on public assemblies. The highest number of news on protests by far - 2,912 - was posted on the online media (we covered CdM, Portal Analitika, Portal Vijesti, Portal RTCG, AntenaM.net, IN4S Portal, Borba.me, FOS media, Aktuelno.me).

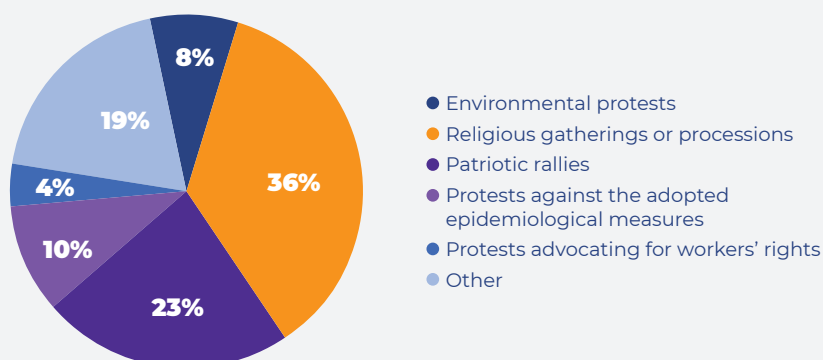
**Number of articles/TV reports  
on public assemblies in Montenegro,  
April 2020 - April 2021**



Looking at the specific online media, the biggest number of news on protests was posted by the Vijesti portal, followed by AntenaM.net and the RTCG portal. During the given period, FOS Media posted the lowest number of reports on public assemblies.

During the given period, the media reported mainly on the **religious gatherings or processions** – those reports accounted for 36% of all texts. The **patriotic rallies ranked second**, as they accounted for 23% of all reports and covered the regular car convoys and patriotic rallies in a number of towns across the country as well as the Independence Day and Statehood Day celebrations. The media reported also on the protests against the adopted **epidemiological measures** (10% articles and TV reports), **environmental protests** (8%) and **protests advocating for workers' rights** (4%).

**The themes of the protests covered by the media**



## Qualitative indicators

Different media reporting on the same public assembly: Car convoys, 01 April, CdM (photo 1) and IN4S (photo 2):

DRUŠTVO

### Poziv za auto-kolone: Probudila se Crna Gora, stiglo je crnogorsko proljeće

01/04/2021 19:05 Izvor: CdM

Ауто-мото комите најављују „црногорско прољеће“: Кућа нас неће гледати док не падне издајничка влада

Остаје нам само да видимо да ли ће и овог пута "патриоте" физички насрнути на лица која "детектују" као неистомишљенике. Искуство нам говори да - хоће

Од ИН4С - 01/04/2021 20:00 Последња измјена: 01/04/2021 19:28 54

Citizen assembly in Budva and the tearing down of the fence around Kraljicina Plaza, a beach in Budva: seen as the end of the occupation by one media outlet and a violent incident by another. Aktuelno.me (photo 1) and Dan Daily (photo 2):

Rubrika: CRNA GORA

### Video snimak nasilništva na Svetom Stefanu: Obijanje, guranje, davljenje...

Mještani Pržna, Miločera i Svetog Stefana su prije dva dana polomili ogradu oko Kraljičine plaže. Mještani su se okupili ispred gradilišta hotela Kraljičina plaža, zahtijevajući da se zaustavi, kako kažu, betonjitanje ovog primorskog mjesta. U tome su im se pridružili Marko Carević i Krsto Radović

Aktuelno | 01.04.2021-17:36

Medij: Dan  
Rubrika: Društvo  
Datum: 31. 03. 2021.  
Strana: 11

Površina: 550 cm²  
Lokacija: Sredina  
Velicina: do 1/2 stranice  
Tiraž: 6800

МЈЕШТАНИ ПРЖНА, МИЛОЧЕРА И СВЕТОГ СТЕФАНА СРУШИЛИ ОГРАДУ ОКО КРАЉИЧИНЕ ПЛАЖЕ У БУДВИ И ПОРУЧИЛИ

## Нећемо да живимо у окупацији

Очекујемо да Влада стане уз овај народ. Подржали су нас предсједник Општине Марко Царевић и предсједник СО Будва Крсто Радовић, казао је предсједник Савјета Мјесне заједнице Свети Стефан Владислав Митровић

Assembly of teachers, students and staff of the Faculty for Montenegrin Language held on 8 March outside the Ministry of Culture building. Borba.me (photo 1) and Antena M (photo 2):

**DRUŠTVO**

## Huligani na Cetinju gađali i vrijeđali profesora Dragana Koprivicu

Last updated **mar 8, 2021**

[Share](#) [f](#) [t](#) [G](#) [r](#) [p](#) [e](#)

[4](#)

## Protest profesora i studenata FCJK: Koprivica provocirao poljupcima, pokušaj ulaska u zgradu Ministarstva

Izvor: **Antena M, RTCG** | Autor: **Antena M**

08.03.2021. 09:30 → 14:00

[f](#) [t](#)

Assault on the TV Vijesti reporter during the public assembly held in Bijelo Polje. Vijesti portal (photo 1) and AktuelnoMe (photo 2):


**POLICIJA TRAGA ZA VIŠE OSUMNJIČENIH**

## Sadiković napadnut tokom "patriotskog" skupa, privedene dvije osobe

Sadiković je "Vijestima" kazao da ima lakše povrede u predjelu glave

[113393](#) pregleda [f](#) [3674](#) reakcija [381](#) komentar(a)

[f](#) [t](#) [v](#) [e](#)

 **POLITIKA** **CRNA GORA** **SVIJET** **REGION** **EKONOMIJA** **KOLUMNE** **SPORT** **MAGAZIN** **DIGITAL** **VI**

Rubrika: **Istaknuto**

## Napad na novinara – zloupotreba žrtve !?

Na ovaj događaj sjenku je bacilo nekoliko neodgovornih pojedinaca, koji su u Bijelom Polju, iz njima znanih razloga, napali novinara "Vijesti", Seada Sadikovića, nanoseći mu lakše tjelesne povrede.

[Aktuelno](#) | 21.03.2021-14:17

The headlines above illustrate the essentially different media coverage of the individual situations.

It is important to stress that the media tended to report on the politically sensitive public assemblies in a particularly disparate manner, lacking balance and objectivity. They also gave more space to the public assemblies whose ideas, objectives and messages were close to their own editorial policy.

The analysis noted a trend of highlighting that some assemblies had breached the epidemiological measures, while omitting such a note in relation to some assemblies similar in size that also breached those measures but were less politically sensitive or more acceptable to the media outlet.

It is important to stress that the media gave very little room to the protests that were less politically sensitive, such as those mounted by the workers of KAP and Metalac Company, or those against the construction of wastewater collectors in Danilovgrad and Bijela. Those reports were often short, with the news not further distributed by all the media, but just a few. At the same time, the media reports on those assemblies were mainly objective.

## RTCG coverage of protests

When it comes to timely, impartial and professional reporting on public assemblies, the Public Broadcaster has to be up to the mark. The analysis of media coverage therefore

### 111 TV Reports in the RTCG News (Dnevnik) on public assemblies in one year period

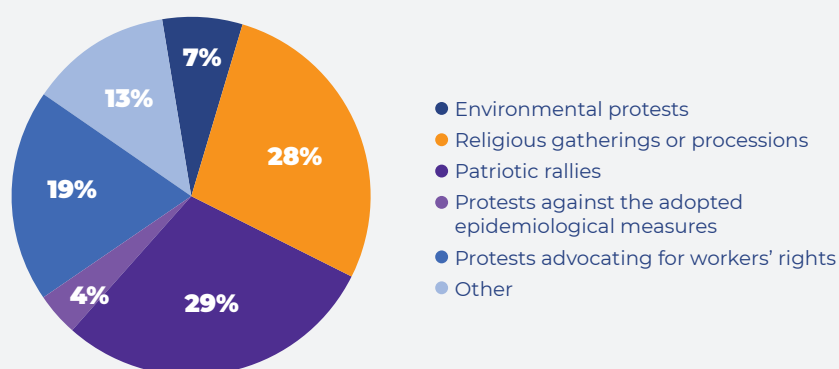
focused on the reporting of Radio Television of Montenegro (Radio Televizija Crne Gore-RTCG) and looked at the themes the RTCG featured the most, the number of positive and negative articles on assembly organisers and participants, completeness of information and presence of statements of all the sides involved.

**The analysis covered 111 RTCG TV reports** on public assemblies in Montenegro, aired from 1 April 2020 to 1 April 2021.

More than a half of the Public Broadcaster's TV reports covered **patriotic rallies** (29%) and **processions/religious assemblies** (28%). In addition to those two themes, the RTCG often (19% of total number of texts) reported on the protests **against the epidemiological measures applicable at the time**, organised by citizens and associations of hospitality businesses in Podgorica, Budva, Niksic and other towns.

A certain share of reports (7%) covered **environmental protests**: local population protests against the construction of Skrbusa small hydro-power plant and Komarnica hydro-power plant; military drill at Mount Sinjajevina; anniversary of the felling of cypress trees etc. The protests demanding **greater rights and better status of workers during the pandemic were also covered (4% of texts and TV reports)**, such as the protest bus convoys, protests mounted by the workers of Metalac Company or Montenegro Airlines etc.

**The causes of the protests covered by the RTCG during the given period**



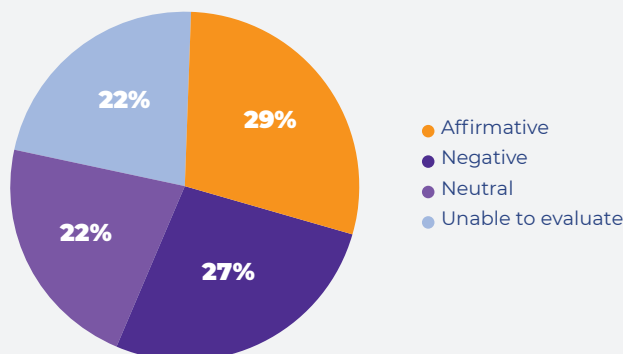
With regard to the Public Broadcaster's treatment of public assemblies, we looked at whether the organisers and participants were contextualised in an overtly affirmative or critical manner. We reviewed in particular whether the reports covered both sides of the story, whether assembly participants were interviewed, whether the background for the assembly was properly presented, whether the reports included value judgments and whether (non-) compliance with the epidemiological measures during the protests was evenly reported.

Out of the total number of texts on public assemblies, the RTCG mainly reported in an affirmative manner (29%); 27% of TV reports presented either the organisers or the participants in a negative light, while 22% of TV reports were assessed as neutral, and 22% did not enable such an assessment to be made.

RTCG tended to **cover environmental issues in a neutral and objective manner**, as illustrated by the report in the Daily News Programme (Dnevnik 2) of 30 July 2020 on the protests against the construction of Komarnica hydro-power plant. The report did not include any value judgments on either side and reported evenly on the views of the activists and local population gathered at the protests and of the National Power Company.



### RTCG treatment of protests/organisers and participants in TV reports



Still, the Public Broadcaster did not show neutral reporting on the assemblies that were politically sensitive. In some cases of public assemblies, the RTCG stressed that they were being organised despite the epidemiological measures and omitted such notes in relation to some similar or situations that happened immediately before or after.

This is illustrated by the RTCG TV report of 12 March 2021 on the car procession in Niksic. The report stressed that citizens had gathered despite the strict epidemiological measures and included a review of social media clips and comments. The RTCG found that the car procession organisers had received "messages of support from Serbia and the Republic of Srpska". The RTCG did not report on any breaches of epidemiological measures at other assemblies, which included gatherings of teachers, students and staff of the Faculty of Montenegrin Language and Literature at Cetinje only four days prior to the car procession in Niksic.

Furthermore, the RTCG often presented incomplete information, omitting the background to the events and not allowing equal space to the opposed sides; it also presented news that led to conclusions or loaded headlines. Thus, RTCG Dnevnik 2 showed footage made by a citizen in the report on an incident in Zupa titled "Hurling stones at citizens wearing Montenegrin symbols"<sup>52</sup>, jumping to the conclusion on the background to the incident, although its cause could not be determined on the basis of that footage.

In addition to negative reporting, there were instances of manipulative reporting, where one report on an assembly was accompanied by footage from an earlier assembly that happened before the pandemic. The RTCG report aired on 17 January 2021 on the anniversary of the felling of cypress trees in Bar was such an example. The report stated

<sup>52</sup> TV report aired on RCTG News (Dnevnik 2) on 01 March 2021 at 19:49 (duration: 37 seconds).

that organisation of that public assembly breached the epidemiological measures. As the presenter was reading the text, the viewers were shown photos from the previous year's assembly that was held at the same site. As that was pre-pandemic, the participants were not keeping distance or wearing facemasks. Citizens sent complaints to the RTCG Council concerning breach of ethical and professional standards of reporting in this case; the complaint was upheld, along with the conclusion that **programmatic principles and professional standards had been breached.**



Stressing the importance of objective reporting on public assemblies, we should note here that the Media Centre identified similar irregularities in its analysis of public TV stations' coverage of public assemblies<sup>53</sup>. The Media Centre assessed that public TV stations' reporting on public assemblies suffered from major or minor professional flaws and inconsistencies that could be understood and justified in some cases by the lack of professional expertise and skills, but in some cases demonstrated deliberate intention.

53 "Analysis of Public Broadcaster's Reporting on Public Assemblies", Media Centre, Podgorica, November 2020.

## CONCLUSION

The complex socio-political situation, on the one hand, and citizens' increasing readiness to take part in the social and political life, on the other, spurred the increase in the number of public assemblies in Montenegro over the recent years, which peaked in 2020. Still, the number of public assemblies during this eight-month reporting period was somewhat lower than during the first three quarters of 2020.

**The excessive, disproportionate and discriminatory restrictions imposed on public assemblies** that were noted in our previous report remained in place, under the pretext of preventing the spread of Covid 19. Despite the several appeals of the NGOs and the highlighting of the fact that absolute bans of assemblies were unconstitutional in the absence of a state of emergency, both the former and the newly appointed leadership of the Ministry of Health introduced such bans. The absolute ban on public assemblies was in force during more than one-half of the reporting period. The actual situation, however, did not reflect that; instead, mass assemblies took place. Instances of selective treatment by the **Police Administration were noted**, as the police tolerated and facilitated some public assemblies and warned the participants of other similar ones.

Due to the mentioned bans and restrictions, the public assemblies held during the given period were marked by **avoidance of advance notification to the Police Administration**. Citizens opted for that in attempts to circumvent the ban on public assemblies, which meant in turn that the Police Administration had a more difficult job identifying the organiser who would then assume responsibility for organising the assembly. That tendency indicated negative counter-effects of the absolute ban and the need to think through the epidemiological measures and to engage in a more proactive communication with citizens in order to build trust between assembly organisers and the police.

The flaws of the Law on Public Assemblies and Public Events in relation to spontaneous public assemblies continued to generate negative consequences during this period. Although spontaneous assemblies were introduced with the aim to ensure that they can take place in real life, the findings of this monitoring show that the imprecise definition gives rise to **disparate interpretations of the provision in question and that in actual situations the participants are asked to disperse**. The key thing in this regard, in addition to amendments to the Law, **is adequate training of police officers for the policing of and deciding on public assemblies**, so that the provisions from the Law are interpreted correctly, in the spirit of that Law, and the police actions are aligned with the

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relevant international standards. The police officers themselves identified the need for further training on public assemblies.

In its Work Programme for 2021, the Government included amendments to the Law, stating the need for a more precise and improved definition of the term spontaneous assembly; the issue was also noted for the first time in the Police Administration Report on Implementation of the Law on Public Assemblies and Public Events.

Some positive novelties introduced by the Law on Public Assemblies from 2016 did not contribute to better enjoyment of the right to public assembly. Although, in case of a temporary ban on assemblies, citizens were able to resort to filing a claim with the Administrative Court (with the Court required to decide within 48 hours), **citizens did not actively exercise this right during the reporting period, and the Court dismissed the three claims filed between 1 October 2020 and 1 April 2021**. In one case, instead of deciding within two days, the Court decided **ten months later**.

The setting in which public assemblies take place has high importance for democratisation of assemblies, and the media play a critical role in providing that setting. Still, particularly **absence of balance and objectivity when reporting on politically sensitive assemblies** was noted during this reporting period.

All the problems and challenges related to the regulatory framework, administering, and policing and media coverage of public assemblies suggest **a lack of satisfactory progress during the reporting period, with citizens unable to fully enjoy the right to public assembly**. Recommendations for improving the situation in this field are provided below.

# RECOMMENDATIONS

## 1

Amendments to the Law on Public Assemblies and Public Events should explicitly provide that spontaneous public assemblies are allowed under the law and that the police are required to police them in the same way as the public assemblies for which advance notification was provided. Also, spontaneous assemblies should be listed among exemptions with regard to legitimate disruption. The Law should be aligned with the Constitution; the permanent ban on holding public assemblies at some locations currently mentioned in the Law should be lifted, and counterprotests and simultaneous assemblies should be regulated;

## 2

**The Police Administration** should allow and police spontaneous public assemblies in line with the Law on Public Assemblies and with international standards, and should refrain from disrupting and inviting the participants to disperse before giving them sufficient time to express their views;

## 3

**The Police Administration** should discontinue selective treatment of different public assembly organisers and participants, conduct a review of its officers' and relevant organisational units' actions in relation to the public assemblies where such selective treatment was identified, such as the assemblies held on 12 May 2021;

## 4

**The Ministry of Health** should ensure the right to public assembly when imposing the epidemiological measures by means of its Orders, discontinue the practice of imposing absolute bans that it employed on frequent occasions in the past, and allow assemblies of appropriate size that comply with the prescribed measures in terms of physical distance and masks;

## 5

Given the frequent non-compliance with the relevant deadline, **the Administrative Court** should ensure compliance with the Law on Public Assemblies and Public Events, which stipulates that the ruling on the claim concerning a public assembly be passed within 48 hours;

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**The Ministry of Public Administration, Digital Society and Media, the Ministry of Interior and the Police Administration** should set up electronic communication between authorities to enable prompt delivery of case files to the Administrative Court by the Police Administration and ensure issuance of Court decisions within the statutory deadlines;

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**Citizens and assembly organisers and participants** should file complaints and objections to the media self-regulation bodies whenever they think that a media outlet reported in a biased and unprofessional manner on the assembly that they organised/participated in;

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**The Ministry of Interior and the Police Administration** should ensure training for all the managers tasked with deciding on the notifications on public assemblies and for the police officers policing the assemblies, to familiarise them with international standards and the case law of the European Court of Human Rights and make sure that they fully understand and apply the Law on Public Assemblies and Public Events with regard to spontaneous public assemblies;

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## 9

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**The Parliamentary Committees on Defence and Security, Political System, Judiciary and Administration, and Human Rights and Freedoms** should continue to enhance their respective oversight roles concerning the actions of the relevant institutions related to the exercise of the right to public assembly, by organising control hearings;

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## 10

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**The Parliamentary Committee on the Political System, Judiciary and Administration** should hold a consultative hearing of all the relevant actors, including the Ministry of Interior, Police Administration, Council for Civil Control of the Work of the Police, Ombudsman, NGOs and others, ahead of the announced amendments to the Law on Public Assemblies and Public Events included in the Committee's agenda for 2021;

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## 11

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**The Police Administration and the Ministry of Interior** should launch campaigns to proactively inform citizens about the procedure for advance notification and policing of public assemblies, since the survey showed that they were largely unaware of the relevant body to be notified.

## SOURCES

### Laws:

- Law on Public Assemblies and Public Events (Official Gazette of Montenegro 052/16 of 09 August 2016);

### International conventions, declarations and guidelines:

- Universal Declaration on Human Rights: "Everyone has the right to freedom of peaceful assembly and association", United Nations Universal Declaration of Human Rights, 1948;
- OSCE/ODIHR – Venice Commission Guidelines on Freedom of Peaceful Assembly (2nd Edition), Strasbourg-Warsaw, 9 July 2010;
- European Convention for the Protection of Human Rights and Fundamental Freedoms (Official Gazette of Serbia and Montenegro –International Agreements 9/03 and 5/05), International Covenant on Civil and Political Rights (Official Gazette of Montenegro SFRY 7/71), Universal Declaration of Human Rights;

### Reports:

- European Commission Report on Montenegro for 2020, European Commission, Brussels, 6 October 2020;
- Report on Implementation of the Law on Public Assemblies and Public Events for 2020, Ministry of Interior, Police Administration, Podgorica, March 2021;
- Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, para. 78;

### Administrative Court rulings and decisions:

- Administrative Court Ruling U. No. 2675/20 of 23 April 2021 on the claim filed by the Metropolitanate of Montenegro and the Littoral;
- Administrative Court Ruling U. No. 1071/20 of 06 March 2020 on the claim filed by the Orthodox Metropolitanate of Montenegro and the Littoral of 04 March 2020;

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- Administrative Court Decision U. No. 1910/20 of 14 May 2020 on the claim filed by the Eparchy of Budim and Niksic of 08 May 2020;

### Other:

- “Analysis of Public Broadcaster’s Reporting on Public Assemblies”, Media Centre, Podgorica, November 2020;
- Institute Alternative Survey on the freedom of assemblies in Montenegro, Institute Alternative, 04 May 2021;
- “Freedom of Peaceful Assembly in the Case-Law of ECHR”, Human Rights Action, Podgorica, April 2020;

### Focus groups and interviews:

- Focus group discussion conducted by Institute Alternative on 27 April 2021 via Zoom with the police officers from the following police units: Podgorica, Niksic, Herceg Novi, Bar, Bijelo Polje, Pljevlja, Berane;
- Interview with Mrs. Branka Lakocevic, President of the Administrative Court, conducted on 04 May 2021 at the Court premises in Podgorica.



## ANNEX 1: ADVANCE NOTIFICATIONS ON PUBLIC ASSEMBLIES DELIVERED TO THE POLICE ADMINISTRATION DURING THE REPORTING PERIOD

Organiser	Venue	Nature and purpose of the assembly	Time and date	Allowed/not allowed, additional notes	Number of participants
SEPTEMBER					
PODGORICA					
Retired former KAP (Aluminium Plant) workers	Outside the Government of Montenegro (GoM) building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented.	10--11h; 4 Sept 2020	/	21-414 retired workers
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented.	10-11h; 11 Sept 2020	/	21- 414 retired workers
Retired former KAP workers	Outside the Government building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented.	10 -11h; 18 Sept 2020	/	21 - 414 retired workers
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented	10 - 11h; 25 Sept 2020	/	21 – 414 retired workers
KOTOR					
Perast International Klapa Festival	St. Nicholas' Square, Perast	Klapa (a capella choir) music evenings – traditional cultural event	18-24h; 11/ 12 Sept 2020.	/	20 – 30
KotorArt International Festival	The square outside St. Tryphon Cathedral	Don Branko's Music Days, Homage to Professor Nikola Gregovic, teacher, conductor and composer, a leading figure in the cultural life of Boka and Kotor in the second half of the 20th century	21h; 14 Sept 2020	/	/

OCTOBER					
PODGORICA					
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented.	10-11h, 09 Oct 2020	/	21-414 retired workers of KAP
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented	10-11h, 16 Oct 2020	/	21-414 retired workers of KAP
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented	10-11h, 23 Oct 2020	/	21-414 retired workers of KAP
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented	10-11h, 30 Oct 2020	/	21-414 retired workers of KAP
ULCINJ					
NGO Association of Owners of Buildings at Ada Bojana	Ada Bojana Delta	The method of exploitation of sand from the riverbed of the Bojana River, which caused damage to the environment, led them to plan an assembly at one of the sites where that sand is disposed to underline the scale of the problem.	15h, 25 Oct 2020	/	/
HERCEG NOVI					
NGO Workers (Radnici)	Outside Plaza Hotel	Employers' non-compliance with court decisions	12h, 29 Oct 2020	/	20-30
Freedom of Choice Civil Group	Nikola Djurkovic Square	Freedom of choice concerning facemasks in schools, asking for in-person schooling for all students	11h, 1 Oct 2020	/	/

BUDVA					
Parents' Association	Budva Old Town	On behalf of all the parents who signed in support; peaceful assembly against the NCB decision on closing the hospitality establishments as it denied free choice	12h, 25 Oct 2020	/	40
Parents' Association	Stefan Mitrov Ljubisa Primary School schoolyard	Public presentation of the demands forwarded to the NCB and Ministry of Education for school reopening for all students	12h, 28 Oct 2020	/	Up to 100
NOVEMBER					
PODGORICA					
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented	10-11h, 06 Nov 2020	/	21-414
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented	10-11h, 13 Nov 2020	/	21-414
ULCINJ					
NGO Association of Owners of Buildings at Ada Bojana	Ada Bojana Delta	The method of exploitation of sand from the riverbed of the Bojana River, which caused damage to the environment, led them to plan an assembly at one of the sites where that sand is disposed to underline the scale of the problem.	12h, 1 Nov 2020	/	/
Non-governmental Association Ulcinj	Near Ada Bojana Delta	'protest'	12h, 01 Nov 2020	/	/
KOLASIN					
Kolasin Church Board	St. Demetrios' Church, Kolasin	Traditional processions honouring St. Demetrios' Day	10h, 08 Nov 2020	Not allowed	50
PLAV					
Non-governmental Association of Wood Processing Businesses, Plav	/	Voicing dissatisfaction with the Government's policy on wood concessions in Plav	5-12h	/	100

BUDVA					
Citizen representatives	Budva, from roundabout at the town entrance to Old Town and back	Voicing dissatisfaction with the anti-Montenegrin activities and sending messages that Montenegro exists and will survive	16h, 15 Nov 2020	Not allowed	500-50 000
Civil group	Nikola Djurkovic Square	Freedom of choice concerning facemasks in schools; in-person schooling for all primary and secondary school students	11h, 14 Nov 2020	/	/
DECEMBER					
PODGORICA					
NGO Association of Hospitality Businesses, Podgorica	GoM building, Karadjordjeva Street	Protest over the most recent measures imposed by the Ministry of Health on 21 Dec 2020	12:30h, 29 Nov 2020.	Not allowed, on the grounds of preventing the spread of the novel coronavirus and protecting public health. The public assembly was not properly notified and only start time was stated, instead of duration. The number of participants was not stated either.	/
Orthodox Church of Montenegro	GoM building, Karadjordjeva Street	Protest over the amendments to the Law on the Freedom of Religion	11-13h, 17 Nov 2020	Not allowed, on the grounds of preventing the spread of the novel coronavirus and protecting public health. The public assembly was not timely and properly notified using the prescribed format; it was scheduled for a date that was already expired.	/

JANUARY 2021					
PODGORICA					
Association of Show Business Artists and Performers of Montenegro	Area across the street from the Parliament Building, near King Nicholas' Monument, Sv. Petra Cetinjskog Boulevard	Protest against the new measures passed at the last meeting of the MoH banning live music in all hospitality establishments	11-12h, 18 Jan 2021	/	Up to 25, in line with the Ministry of Health measures for the prevention of spreading of dangerous infectious disease
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented	10-11h, 22 Jan 2021	/	/
Retired former KAP workers	Outside the GoM building	Peaceful assembly – peaceful protest – bringing the issue to the public attention and reminding the GoM and Prime Minister Markovic of the agreement to implement the relevant lex specialis, namely the Law on Severance Payment until it is fully implemented.	10-11h, 29 Jan 2021	/	/
PLJEVLJA					
Pljevlja Deanery	Pljevlja Deanery	Christmas Day celebration; religious service will be adjusted to comply with the MoH measures. The yule-log ritual in town churches and the Monastery will take place in early morning after the service without inviting the congregation.	06 Jan 2021	/	/
NIKŠIĆ					
Former and current workers of the Bauxite Mine	Former Bauxite Mine loading ramp in Nikšić	Protest of former and current workers of the Bauxite Mine	25 Feb 2021, starting at noon	Not allowed. PA decision: to prevent the spreading of COVID 19 and protect public health. It is also mentioned that the notification did not use the prescribed form, did not include the organiser's ID number or address, agenda and aim, or estimated number of participants.	/

FEBRUARY					
HERCEG NOVI					
Workers of “Vektra Boka”	“Plaža” Hotel, Herceg Novi	Over non-compliance with the bankruptcy judge (the rest is illegible), also stating that the assembly would be held without risk to public health and in compliance with the relevant measures	11 Feb 2021	The official record drawn up by the police: the police officers contacted the organizer by phone on the same day and told him that all assemblies in public places i.e. all assembly of more than 20 citizens were prohibited by law due to the epidemiological situation and that he would avoid criminal liability only if the number of participants remained under 20. Mr Rajak thanked the police and told them that he would communicate that to citizens i.e. Vektra Boka workers by phone and that the assembly would be postponed for another time, depending on the measures.	20-30
PODGORICA					
Former retired KAP workers	Outside the GoM building	Concerning the monitoring of coordination of the relevant laws and severance payment by the GoM. It was also stated that the assembly was a peaceful one – peaceful protests bringing the issue to the attention of the general public on a daily basis and reminding the GoM of the agreed implementation of laws and severance payment.	05 Feb 2021; 10-11h		21-424 retired workers of KAP
Former retired KAP workers	Outside the GoM building	Concerning the monitoring of coordination of the relevant laws and severance payment by the GoM. It was also stated that the assembly was a peaceful one – peaceful protests bringing the issue to the attention of the general public on a daily basis and reminding of the agreed implementation of laws and severance payment.	12 Feb 2021; 10-11h		21-424 retired workers of KAP
Former retired KAP workers	Outside the GoM building	Concerning the monitoring of coordination of the relevant laws and severance payment by the GoM. It was also stated that the assembly was a peaceful one – peaceful protests bringing the issue to the attention of the general public on a daily basis and reminding of the agreed implementation of laws and severance payment.	19 Feb 2021; 10-11h		21-424 retired workers of KAP
Former retired KAP workers	Outside the GoM building	Concerning the monitoring of coordination of the relevant laws and severance payment by the GoM. It was also stated that the assembly was a peaceful one – peaceful protests bringing the issue to the attention of the general public on a daily basis and reminding of the agreed implementation of laws and severance payment.	26 Feb 2021; 10-11h		21-424 retired workers of KAP

MART					
NGO “Transport Cluster of Montenegro”, Podgorica	Podgorica	Demanding a meeting with Ministers Bojanic, Milatovic and Spajic concerning the situation caused by the pandemic and inadequate assistance to bus transport companies. The agenda included a drive through the town with a short stop at the Parliament building to give media statements.	17/18/19 March 2021, at 11:55; duration: 1 hour on Day 1; 2 hours on Day 2; 3 hours on Day 3	/	Approx. 100 buses
Retired former KAP workers	Podgorica	Assembly outside the GoM building, as per the decision of the retired workers’ conference dated 15 Jan 2019 concerning monitoring the implementation of severance payments by the GoM. Peaceful assembly, bringing the issue to the attention of the general public on a daily basis and reminding of the agreed severance payment.	05 March 2021: 10-11h	/	21-414 retired workers of KAP
Retired former KAP workers	Podgorica	Assembly outside the GoM building, as per the decision of the retired workers’ conference dated 15 Jan 2019 concerning monitoring the implementation of severance payments by the GoM. Peaceful assembly, bringing the issue to the attention of the general public on a daily basis and reminding of the agreed severance payment.	12 March 2021: 10-11h	/	21-414 retired workers of KAP
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Retired former KAP workers	Podgorica	Assembly outside the GoM building, as per the decision of the retired workers’ conference dated 15 Jan 2019 concerning monitoring the implementation of severance payments by the GoM. Peaceful assembly, bringing the issue to the attention of the general public on a daily basis and reminding of the agreed severance payment.	26 March 2021; 10-11h	/	21-414 retired workers of KAP

HERCEG NOVI					
NGO “Novska Butuga”	Herceg Novi	The aim of the assembly was survival of the local businesses, which were barely making ends meet, and the GoM never responded to any of the previous letters, pleas and promises. Given the epidemiological situation, the organisers committed to wearing facemasks, keeping distance and complying with all the prescribed measures.	19 March 2021, 10h	IA received the official record drawn up by the Herceg Novi Police Unit stating that the police officer contacted the organizer in relation to the notification and presented to her the epidemiological measures in force at the time and the legal consequence in case of holding a public assembly. The organiser said that she would prefer to wait for the new set of epidemiological measures and make the decision on holding a new protest then.	/
APRIL					
PODGORICA					
Retired former KAP workers	Outside the GoM building	As per the decision of the conference of retired workers dated 15 Jan 2019 related to monitoring the implementation of the relevant laws on severance payment by the GoM	02 April 2021; 10-11h	/	214-414 retired workers of KAP
Retired former KAP workers	Outside the GoM building	As per the decision of the conference of retired workers dated 15 Jan 2019 related to monitoring the implementation of the relevant laws on severance payment by the GoM	09 April 2021; 10-11h	/	214-414 retired workers of KAP
Retired former KAP workers	Outside the GoM building	As per the decision of the conference of retired workers dated 15 Jan 2019 related to monitoring the implementation of the relevant laws on severance payment by the GoM	16 April 2021; 10-11h	/	214-414 retired workers of KAP
Retired former KAP workers	Outside the GoM building	As per the decision of the conference of retired workers dated 15 Jan 2019 related to monitoring the implementation of the relevant laws on severance payment by the GoM	23 April 2021; 7-9h	/	214-414 retired workers of KAP
Retired former KAP workers	Outside the GoM building	As per the decision of the conference of retired workers dated 15 Jan 2019 related to monitoring the implementation of the relevant laws on severance payment by the GoM	29 April 2021; 7-9h	/	214-414 retired workers of KAP
NIKŠIĆ					
Toscelik Trade Union	Outside the Company’s Office Building	Alerting to the difficult situation of the mill and its workers	01 May 2021; 11-12h	Not allowed, on the grounds of preventing the spread of the novel coronavirus and protection of public health pursuant to the MoH Order to take temporary measures to prevent importation, contain and prevent transmission of the novel coronavirus.	100



## About Institute Alternative

**Institute Alternative (IA)** is a non-governmental organisation, established in September 2007 by a group of citizens with experience in civil society, public administration and business sector.

**Our mission** is to contribute to strengthening of democracy and good governance through and policy analysis as well as monitoring of public institutions performance.

**Our objectives** are to increase the quality of work, accountability and transparency, efficiency of public institutions and public officials; to encourage open, public, constructive and well-argument discussions on important policy issues; raising public awareness about important policy issues, strengthening the capacity of all sectors in the state and society for the development of public policies.

The values we follow in our work are dedication to our mission, independence, constant learning, networking, cooperation and teamwork.

We function as a **think tank** or a research centre, focusing on the overarching areas of good governance, transparency and accountability. The areas of our work and influence are structured around the following five main programmes: public administration; accountable public finance; parliamentary programme; security and defence, and social policy.

On the basis of our five programmes, we monitor the process of accession negotiations with the EU, actively participating in working groups Public procurement (5), Judiciary and Fundamental rights (23) and Financial control (32). Our flagship project is the Public Policy School, which is organized since 2012, and in 2018 we organized the first Open Budget School.

So far we cooperated with over 40 organisations within regional networks in the Western Balkans and with over 100 organisations in Montenegro. Institute is actively engaged in regional networks: Think for Europe (TEN), Pointpulse, SELDI, WeBER, UNCAC Coalition, Global BTAP, PASOS and The Southeast Europe Coalition on Whistleblower Protection.

The results of our research are summarised in 129 studies, reports and analyses, and the decisionmakers were addressed 1036 recommendations. Over four thousand times we communicated our proposals and recommendation to the media for better quality public policies.

We started three internet pages. My town is a pioneer endeavour of visualisation of budgetary data of local self-administrations. My Administration followed, which serves as an address for all those citizens that have encountered a problem when interacting with public administration and its service delivery system. The newest internet portal, My Money, provided national budget data visualisation.

Institute Alternative regularly publishes information about finances, projects and donors that support the work of the organisation. For this reason, the Institute have five-stars rating third year in a row, according to a survey conducted by the international non-profit organisation Transparify, which evaluates transparency for over 200 research centers.

President of the Managing Board is Stevo Muk, and our organisation currently has ten members.

**[www.institut-alternativa.org](http://www.institut-alternativa.org)**

**[www.mojgrad.me](http://www.mojgrad.me)**

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