



ABUSE OF STATE RESOURCES

LOCAL ELECTIONS IN PODGORICA 2024



ABUSE OF STATE RESOURCES

LOCAL ELECTIONS IN PODGORICA 2024

ABUSE OF STATE RESOURCES LOCAL ELECTIONS IN PODGORICA 2024



Publisher:

Centre for Monitoring and Research CeMI
Bul. Svetog Petra Cetinjskog 96, VI/12
E-mail: info@cemi.org.me
www.cemi.org.me

Editor:

Zlatko Vujović

Author:

Vladimir Simonović

Year of Issue:

2024



British Embassy
Podgorica



**UK International
Development**

Partnership | Progress | Prosperity

Note: The opinions and views expressed in this study are those of the author and do not necessarily reflect the official views of the British Embassy Podgorica.

ABUSE OF
STATE RESOURCES
LOCAL ELECTIONS IN PODGORICA 2024

CONTENTS

- INTRODUCTION7**

- 1. DEFINITION AND MANIFESTATIONS OF ABUSE OF STATE RESOURCES 8**
 - 1.1. DEFINITION OF ABUSE OF STATE RESOURCES 8
 - 1.2. MANIFESTATIONS OF ABUSE OF STATE RESOURCES9
 - 1.2.1. ABUSE OF FINANCIAL RESOURCES10
 - 1.2.2. ABUSE OF INSTITUTIONAL RESOURCES10
 - 1.2.3. ABUSE OF PUBLIC MEDIA RESOURCES11

- 2. INTERNATIONAL STANDARDS12**

- 3. NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK14**
 - 3.1. NATIONAL LEGAL FRAMEWORK14
 - 3.1.1. THE LAW ON ELECTION OF COUNCILLORS AND MPS AND THE LAW ON ELECTION OF THE PRESIDENT OF MONTENEGRO14
 - 3.1.2. THE LAW ON FINANCING OF ELECTORAL SUBJECTS AND ELECTION CAMPAIGNS16
 - 3.1.3. THE CRIMINAL CODE OF MONTENEGRO22
 - 3.1.4. OTHER RELEVANT LAWS AND REGULATIONS23

- 4. ABUSE OF STATE RESOURCES IN LOCAL ELECTIONS IN PODGORICA26**
 - 4.1. METHODOLOGY26
 - 4.2. POLITICAL CONTEXT26
 - 4.3. ENGAGEMENT OF PUBLIC OFFICIALS IN CAMPAIGN ACTIVITIES27
 - 4.4. EMPLOYMENT DURING THE ELECTION CAMPAIGN32
 - 4.5. OTHER FORMS OF ASR34

- 5. CONCLUSIONS AND RECOMMENDATIONS36**

- REFERENCES41**

INTRODUCTION

The phenomenon of abusing state resources for electoral purposes has been present in Montenegro since the establishment of a multi-party system, making it a serious issue indicative of deeply entrenched political practices detrimental to democratic processes. This practice undermines the fundamental principles of fairness and balance in electoral competitions and seriously erodes citizens' trust in the integrity of the electoral system. The lack of adequate methodological tools for precise monitoring and identification of abuses, particularly in the early stages of democratization, led to the inability of institutions to effectively address this issue in the long term.

Inspired by international experiences, CeMI implemented, for the first time in 2009, a methodology for monitoring the misuse of state resources during election campaigns. Even then, it became evident that the abuses were extensive and systemic, significantly undermining citizens' trust in electoral processes and the legitimacy of the government. These abuses, culminating in legitimacy crises during the 2012, 2013, and 2016 elections, underscored the urgent need for comprehensive reforms and systemic solutions to deter the political exploitation of state resources.

Given the consequences of state resource abuse on the country's political stability and democratic development, CeMI has made significant efforts to develop a legal framework aimed at limiting these practices. The adoption of the Law on Financing Political Entities and Election Campaigns in 2014, which partially addressed this issue, seemed like a step toward the ultimate separation of the state from political parties. However, the practice remained unchanged, as the political will to tackle this problem was insufficiently developed.

Although some legislative progress has been made, the abuse of state resources remains widespread, calling into question the genuine commitment of political actors to effectively combat this issue. Electoral cycles since 2009 have been marked by the extensive use of state resources by the ruling party and its coalition partners. While the change in government in 2020 brought some optimism, the new administration has shown little willingness to seriously address this matter. The legal framework and initiatives by relevant authorities remain limited, and the abuse of state resources continues to pose a significant challenge to the democratic nature and competitiveness of the electoral process in Montenegro.

As an organization with over two decades of experience in monitoring and analysing democratization in Montenegro, CeMI aims through this research to emphasize the urgency of creating effective mechanisms to curb the increasingly pronounced misuse of state resources in election campaigns. The study before you contains recommendations aimed at improving the electoral process by strengthening mechanisms to prevent the abuse of state resources during election campaigns. These recommendations result from an analysis of identified issues and systemic abuses observed not only during the latest local elections in the capital city but also in previous electoral cycles.

DEFINITION AND MANIFESTATIONS OF ABUSE OF STATE RESOURCES

1.1. DEFINITION OF ABUSE OF STATE RESOURCES

Under ideal circumstances, state resources are used solely to advance the public interest. However, state resources can be, and in Montenegro often are, subject to abuse.

Although there is no universally accepted definition of state or administrative resource abuse, many countries, including Montenegro, have recognized the importance of combating this issue through legal regulations and prohibiting various forms of abuse. International organizations have significantly contributed to defining and understanding the abuse of state resources, attempting to clarify this phenomenon to enable more effective countermeasures.

One of the most comprehensive definitions comes from the OSCE in its Handbook for Campaign Finance Monitoring, which states that the abuse of state resources (ASR) constitutes “undue advantage obtained by certain parties or candidates, through use of their official positions or connections to governmental institutions, in order to influence the outcome of elections.”¹

The Venice Commission, in its Report on the Misuse of Administrative Resources During Electoral Processes, further elaborates on the distinction between the legitimate use and abuse of resources,² highlighting the dangers of manipulation aimed at gaining unfair political advantage. Similarly, the International Foundation for Electoral Systems (IFES) defines ASR as “any use of state resources to support or undermine any political actor (such as a political party or coalition or a candidate for public office).”³ In a comparable vein, the Centre for Anti-Corruption Research describes ASR as a form of political corruption in which individuals, parties or other groups that control the resources of the state and public sector („current political forces”) use these resources to increase their chances of either electing or re-electing other individuals or groups they favour.⁴

A clear pattern emerges: all definitions of ASR focus on the misuse of state resources to gain an unfair political advantage during elections.

When discussing ASR, it is crucial to recognize that it constitutes a form of political corruption that primarily occurs during election campaigns. For this reason, some theorists

1 Handbook for the Observation of Campaign Finance, ODIHR, Warsaw, 2015, available at: <https://www.osce.org/files/f/documents/f/8/135516.pdf>.

2 Venice Commission Report, CDL-AD(2013)033 para. 10, available at: [https://www.venice.coe.int/web-forms/documents/?pdf=CDL-AD\(2013\)033-e](https://www.venice.coe.int/web-forms/documents/?pdf=CDL-AD(2013)033-e)

3 Magnus Ohman, Abuse of State Resources, Washington, D.C., IFES, 2011

4 Centre for Anti-Corruption Research, Final Report on Monitoring the Misuse of State Resources during election campaign for the December 2003 Russian Federal State Duma Elections, Moscow, 2004, p. 13

often append the term with “during the election campaign” to emphasize its temporal dimension. Beyond the timing, ASR differs from other forms of corruption due to its specific motive, inherently tied to that period—the pursuit of electoral advantage. Additionally, the main actors in this practice are politicians and political parties, who misuse resources to strengthen their position in the electoral competition.

An inseparable aspect of ASR is the object of abuse itself. As the term suggests, it involves resources available to those in power—political structures managing at the state or local level. These resources, rather than serving the public interest, are misused to gain political advantage. State or administrative resources can include financial, institutional, media, and human resources, among others.

1.2. MANIFESTATIONS OF ABUSE OF STATE RESOURCES

Based on the conceptual definition of the abuse of state resources (ASR), it can be concluded that ASR involves the use of financial means, institutions, media platforms, and other resources, as well as their manipulation in favour of ruling structures. This undermines the equality of political participants and creates an uneven playing field, affecting the integrity of electoral processes.

Different forms of ASR can be categorized to facilitate research and enable a systematic understanding of their specific features. A classification model relevant to this context was proposed by Magnus Ohman from IFES,⁵ identifying four types of state resources that can be abused: financial, institutional, regulatory, and coercive.

Financial resources include monetary assets, typically derived from budgets at various levels of government, as well as funds from institutions owned or controlled by the state or local governments. **Institutional resources** encompass non-monetary material and human resources available to the state, including public media services and other communication tools. **Regulatory resources** refer to the authority to enact laws and regulations governing permissible and prohibited behaviours within the state. This category spans a broad range of regulations, from the Criminal Code to determining the order of candidates on the ballot. Finally, **enforcement resources** involve the use of security services and institutions that enforce laws and rules established through regulatory resources, such as the military and police, relying on the state’s monopoly on the legitimate use of physical force.

On a phenomenological level, ASR is not limited to overt abuses but often takes the form of subtle yet effective political manipulation. Almost every ruling structure, whether consciously or unconsciously, resorts to the use of available resources to enhance its electoral chances, making it difficult at times to draw a clear line between legitimate use and abuse.

Based on past experiences in Montenegro, the most common forms of ASR are the abuse of institutional and financial resources. However, the abuse of regulatory resources can also be observed, manifesting through amendments to laws and other regulations or the

⁵ Magnus Ohman, *op.cit.*

adoption of various decisions with legal effects during election campaigns. Such actions may directly or indirectly provide advantages to ruling structures by further solidifying their political position or creating new opportunities to gain electoral advantage.

1.2.1. ABUSE OF FINANCIAL RESOURCES

The abuse of financial resources in election campaigns entails the improper use of state, municipal budgets, and other public funds to finance election-related activities. This practice can occur in two forms: direct and indirect.

Direct abuse involves the explicit use of public financial resources to influence voters through various incentives. One of the most blatant examples is covert or semi-covert vote-buying, where state budget funds are used to provide direct financial benefits to certain voters. Another common form includes diverting state funds to cover the ruling parties' campaign expenses, effectively channelling public treasury resources into political campaigns. Additionally, budget funds may be used to pay for salary increases, pensions, student loans, and scholarships or to settle debts to gain voter favour. In Montenegro, public funds have been documented as being used to disburse social benefits and other allowances just before elections, aiming to influence citizens' voting preferences.

Indirect abuse refers to the use of state or local resources to finance infrastructure projects or services during election campaigns with the intent of swaying the electorate. This form of ASR often manifests through promises of economic development and job creation. Initiating or expediting work on infrastructure projects is used as a tool of political propaganda, especially by ruling structures. Examples of this type of abuse include constructing or renovating bridges, roads, factories, hotels, parks, fountains, and similar facilities, as well as improving educational and healthcare institutions in the run-up to elections. Organizing sports, cultural, and artistic events during campaigns also constitutes a form of indirect abuse. These strategies are often closely tied to institutional abuse, particularly through the involvement of officials in campaign activities, where the incumbents' positions are leveraged to gain unfair advantages in the electoral process.

1.2.2. ABUSE OF INSTITUTIONAL RESOURCES

As previously highlighted, institutional resources encompass non-monetary assets and human resources owned by the state.

Non-monetary assets include various resources such as office spaces, equipment, public transport, vehicles, and public institutions. Political entities often exploit these resources to gain an advantage over competitors during election campaigns. Such misuse can manifest through organizing campaign rallies in public spaces, using state office spaces and equipment to gather voters, producing campaign materials, and even transporting citizens to political events using public transport.

Human resources refer to civil servants and employees in various state institutions and agencies, as well as public enterprises. Ruling parties may engage state or local officials and employees of public enterprises in pre-election activities to gain a political advantage.

These activities can include collecting signatures of support for a political party within state institutions, direct participation of officials in election activities (incumbency campaign), conducting electoral research for political entities, and preparing and distributing propaganda materials. In this context, abuse of state resources is particularly notable when activities occur during official working hours and involve personnel employed by the state.

1.2.3. ABUSE OF PUBLIC MEDIA RESOURCES

Media play a crucial role in electoral processes, not only as channels for disseminating information on various topics but also as tools for informing voters about their rights. Under ideal circumstances, media platforms should provide fair and balanced exposure to all political candidates during elections. Media are not passive conveyors of information but actively shape public perception during the electoral period. The way media present political entities and relevant topics directly impacts voter awareness and their ability to make fact-based decisions.

Political parties can significantly benefit from increased visibility and favourable representation in the media, especially in the context of state and local media, such as public broadcasters. Public media are obligated to provide objective, accurate, timely, understandable, and balanced information on matters of public interest, and this responsibility becomes even more critical in the electoral environment. Given the media's role in shaping public opinion, any imbalance or bias in reporting can severely undermine the integrity of the electoral process.

Abuses in this domain can manifest in two primary ways: unequal representation and biased content.

Unequal representation refers to the disproportionate portrayal of electoral lists or candidates in state or locally owned media during the election campaign, often evident in significantly greater airtime and favourable treatment of the ruling party compared to opposition parties. On the other hand, **biased content** involves disseminating material that favours the ruling political group or its representatives. Such bias can range from subtle positive narratives about the ruling party to overt tactics like censoring opposition views or running negative campaigns against opposition figures.

The first form of abuse is easily recognizable, particularly when there is a clear disparity in reporting between ruling and opposition parties. The second form, however, when it does not involve overt censorship or negative campaigns against the opposition, can be subtler and manifest through various strategies—whether in the form of covert favouritism of one group or discrediting another.

In this study, we did not address the abuse of media resources, as past experiences indicate that political parallelism in Montenegro primarily manifests through biased media reporting, which is difficult to precisely define and prove in the context of abuse of state resources. An additional challenge is the growing influence of online portals, which often operate as unregistered media, along with the spread of disinformation via social networks. Since these areas remain inadequately regulated at the normative level, their analysis requires a different methodological approach that goes beyond the scope of this study.

INTERNATIONAL STANDARDS

There is no unified international legal framework specifically addressing the abuse of state resources. Moreover, there are very few international documents that exclusively deal with the topic of abuse of state resources (ASR) in a way that comprehensively examines its various manifestations. Most references to this issue appear as sections of broader documents, highlighting specific points relevant to the problem.

Several key international documents addressing this issue include:

1. United Nations Convention against Corruption (UNCAC)⁶

UNCAC mandates that each member state adopts legislative and other measures necessary to establish criminal offenses, such as embezzlement or unlawful appropriation of property by a public official for their own benefit or that of a third party.

2. Council of Europe Committee of Ministers Recommendation Rec(2003)⁷

This recommendation emphasizes the application of objective, fair, and reasonable criteria in the allocation of state support. It also requires states to prohibit legal entities under state or public authority control from donating to political parties.

3. Venice Commission Code of Good Practice in Electoral Matters⁸

The Code stresses that equality between parties and candidates must be guaranteed, and that state authorities should remain neutral, especially concerning election campaigns, media coverage, and the financing of parties and campaigns.

4. Venice Commission Code of Good Practice in the Field of Political Parties⁹

The Code stresses that political parties must refrain from receiving assistance, financial or in kind, from any public authorities, particularly those directed by its members. Likewise, no party may receive clandestine or fraudulently obtained financial aid.

5. Preventing and responding to the misuse of administrative resources during electoral process - Joint Guidelines by the Venice Commission and OSCE/ODIHR¹⁰

These guidelines require that the legal framework ensures a clear prohibition on the abuse of administrative resources, with proportional and deterrent sanctions for violations.

6 Available at: <https://star.worldbank.org/publications/united-nations-convention-against-corruption>

7 Available at: <https://rm.coe.int/16806cc1f1>

8 Available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)023rev2-cor-e)

9 Available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2009\)021-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2009)021-e)

10 Available at: https://www.venice.coe.int/images/GBR_2016_Guidelines_resources_elections.pdf

6. Venice Commission & OSCE/ODIHR Guidelines on Media Analysis During Election Observation Missions¹¹

The guidelines highlight that all media, particularly state-owned media, should provide responsible and impartial reporting, avoiding the promotion of specific political parties or candidates. .

7. Copenhagen Document¹²

The document asserts that participating states solemnly declare that key elements of justice, necessary for the full expression of inherent dignity and equal rights for all human beings, include a clear separation between the state and political parties. To ensure that the will of the people serves as the foundation of government, participating states will provide legal guarantees enabling political parties and organizations to compete on the basis of equal treatment under the law and by authorities.

In addition to international documents, there are also relevant best practice documents on the abuse of state resources, such as:

8. OSCE/ODIHR Handbook for the Observation of Campaign Finance¹³

While campaign financing is often closely tied to ASR (in our legislation, both are addressed in the same law), this document does not focus exclusively on the topic of the abuse of state resources but contains recommendations and guidelines related to ASR. In its section on fair and transparent campaign financing, the document addresses issues of impartial distribution and reporting on state resources used during campaigns.

9. Unfair Advantage: The Abuse of State Resources in Elections¹⁴

A publication by IFES that discusses preventive measures to stop public officials from using their positions or state resources for electoral advantage, including restrictions on officials' participation in campaigns and guidelines for the fair use of state resources.

11 Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=C-DL-AD\(2009\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=C-DL-AD(2009)031-e)

12 Available at: <https://www.osce.org/files/f/documents/9/c/14304.pdf>

13 Available at: <https://www.osce.org/odihr/elections/135516>

14 Available at: <https://electionjudgments.org/en/entity/y4rh0wsq6e?page=1>

NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK

3.1. NATIONAL LEGAL FRAMEWORK

Montenegro stands out as one of the few countries that has opted for a comprehensive approach in regulating electoral abuses. This need became evident during the period between 2012 and 2014, when controversies surrounding the authenticity of election results raised serious doubts about the electoral process.

Our legal framework relies on several documents, with the central ones being the Law on the Election of Councillors and MPs (LECMP)¹⁵ and the Law on Financing of Political Entities and Electoral Campaigns (LFPEEC).¹⁶

3.1.1. THE LAW ON ELECTION OF COUNCILLORS AND MPS AND THE LAW ON ELECTION OF THE PRESIDENT OF MONTENEGRO

The Law on Election of Councillors and MPs in the chapter VII – **Presentation of Candidate List Submitting Entities and of Candidates from Candidate Lists**, contains several norms regulating ASR.

Namely, state resources (money, technical means, space, equipment, etc.) from state authorities, public enterprises, public institutions and funds, local government units, or companies in which the state has an ownership share cannot be used for the presentation of electoral lists (Art. 50, para. 4).

Additionally, the LECMP prohibits public officials, state employees, and civil servants from participating in the electoral campaign or publicly expressing their views on elections during working hours (Art. 50a, para. 1). Police officers and members of the Agency for National Security are completely prohibited from participating in the campaign (Art. 50a, para. 2). A fine ranging from 500 to 2,000 euros is prescribed for individuals who act contrary to the provisions of Art. 50 (Art. 116, para. 1, item 3).

The law also includes provisions against the abuse of media resources. Through several articles, the LECMP imposes bans and restrictions on media service providers.

The LECMP mandates that Radio and Television of Montenegro, regional and local public broadcasters, during the electoral campaign, provide free and equal presentation

¹⁵ „Official Gazette of the Republic of Montenegro” No. 16/2000 - consolidated text, 9/2001, 41/2002, 46/2002, 45/2004 - decision of the Constitutional Court (CC), 48/2006, 56/2006 - decision of the CC, and “Official Gazette of Montenegro” No. 46/2011, 14/2014, 47/2014 - decision of the CC, 12/2016 - decision of the CC, 60/2017 - decision of the CC, 10/2018 - decision of the CC, and 109/2020 - decision of the CC.

¹⁶ „Official Gazette of Montenegro,” No. 3/2020 and 38/2020.

of the sponsors of confirmed electoral lists, as well as the presentation and explanation of their electoral programs within the political and informative program. This should be done every day, for the same duration, and at the same time, with coverage throughout Montenegro, or local governments (Art. 51). Radio and Television of Montenegro, regional, and local public broadcasters are also obliged to ensure free and equal publication of announcements about all promotional gatherings of the sponsors of electoral lists during the electoral campaign in commercial marketing blocks, which must have coverage throughout Montenegro, or the local self-governments (Art. 53).

The law prescribes that during the electoral campaign, Radio and Television of Montenegro and Radio Montenegro must provide all sponsors of confirmed electoral lists with equal and free space for political promotion (Art. 53a, para. 1). This includes:

- Broadcasting political propaganda TV and audio clips in political marketing blocks, lasting at least 200 seconds daily, depending on the number of planned commercial breaks.
- Broadcasting three-minute reports from promotional gatherings, twice daily, immediately after the central evening news programs.

Local and regional public broadcasters are required to ensure the broadcast of political propaganda clips of at least 200 seconds daily and two three-minute reports from promotional gatherings at appropriate times, accessible within their local self-governments (Art. 53a, para. 3).

For legal entities that act contrary to the provisions of Art. 51, 53, and 53a, a fine ranging from 2,000 to 20,000 euros is prescribed (Art. 117, para. 1, item 3).

The LECMP provisions on media abuse are not limited to media service providers but also contain bans and restrictions related to officials.

State and local government officials are prohibited from abusing their media appearances as state or other public officials for the purpose of advertising electoral lists and/or their electoral programs during the electoral campaign (Art. 51a). An individual who does not adhere to this ban may be fined between 500 and 2,000 euros (Art. 116, para. 1, item 3).

Chapter XII – Penal Provisions, begins with the prohibition of the abuse of repressive resources. Art. 115 of the LECMP prescribes a prison sentence of up to three years for the criminal offense of abusing the army, police, judiciary, or state authorities, their equipment, employees, or collaborators for the purpose of promoting, presenting, or attacking a specific electoral list, as well as for those who issue or execute such orders. If this criminal offense is committed by the President of Montenegro, the Speaker of the Parliament, the President and members of the Government, the President and judges of the Constitutional Court, the President and judges of the Supreme Court, the state prosecutor, and the head of the state prosecution, they shall be punished with a prison sentence of up to five years.

The Law on Election of the President of Montenegro¹⁷ largely adopts the provisions of the ZIOP, which are accordingly applied to the presidential election, including the provisions on the ASR. However, the legislator deemed it necessary to explicitly prohibit presidential candidates from using state facilities, financial resources, vehicles, technical means, and other state property for campaign purposes in Art. 22. Interestingly, this provision is defined as a **penal provision**, although the law does not specify the penalty for its violation.

3.1.2. THE LAW ON FINANCING OF ELECTORAL SUBJECTS AND ELECTION CAMPAIGNS

CeMI had a significant impact on establishing the legal framework for the financing of political parties and addressing the ASR. The Law on Financing of Political Parties, passed in 2004¹⁸, was adopted at CeMI's initiative and marked an important step toward increasing transparency in the flow of money in politics and reducing opportunities for abuse. CeMI had already pointed out the need for broader regulation, including ASR. The adoption of this law did not mark the end of CeMI's efforts in this direction – at CeMI's initiative, the new Law on Financing of Political Parties was passed in 2009, which further improved the legal framework, but still failed to address the issue of ASR. While the law included a provision prohibiting the use of funds from the state of Montenegro or local governments (Art. 11), it was vague and ineffective in practice.

CeMI's persistence in highlighting the importance of regulating ASR finally paid off in 2014, when decision-makers recognized the need for more comprehensive regulation in this area. Although there was potential for improving regulation through the adoption of a separate law on ASR, policymakers decided to address this issue within the Law on Financing Political Parties and Electoral Campaigns in 2014¹⁹. This law regulated ASR in Chapter V – „Prohibitions and Restrictions.” The law has been amended several times, but the normative provisions regulating ASR in this chapter have remained unchanged in the current version of the law from 2020.

Chapter V of the current law – „Prohibitions and Restrictions”, in Art. 33-44²⁰, defines a range of obligations, restrictions, and prohibitions that state bodies, political subjects, and media service providers must comply with during the election campaign²¹. Although the law does not provide a clear definition of the term “abuse of state resources,” it regulates various forms of these abuses, including the misuse of financial, institutional, and repressive resources.

17 „Official Gazette of Montenegro”, No. 017/07 from 31.12.2007, 008/09 from 04.02.2009, 012/16 from 23.02.2016, 073/18 from 19.11.2018).

18 „Official Gazette of Montenegro”, No. 21/2004, from 31.03.2004.

19 „Official Gazette of Montenegro”, No. 52/2014, from 16.12.2014.

20 The last two articles, 45 and 46, establish the conditions for the implementation and monitoring of the provisions outlined in the preceding articles.

21 Additionally, the Rulebook on the Control Procedure for the Application of Articles 33 to 45 of LFPEEC is a significant bylaw providing guidelines to the Agency to ensure the proper use of state resources during elections.

Despite the fairly comprehensive approach to regulating different forms of ASR, it remains a highly widespread phenomenon on one hand, and results in the fight against ASR are scarce on the other. In rare cases where the Anti-Corruption Agency identifies a violation, the accompanying sanctions are too mild to contribute to effective abuse prevention.

The most recent European Commission progress report for 2024 states that *the Law on financing of political entities and election campaign (LFPEEC) has not yet been amended to bring it fully in line with European standards, notably through complying with GRECO and ODIHR recommendations to substantially increase transparency, control of the spending of political parties and prevent abuse of state resources, including dissuasive sanctions. It also states that Montenegro has to ensure that it treats the LFPEEC separately from the comprehensive electoral reform legislative package, in view of accelerating the work to amend the Law by the end of 2024.*²²

Chapter V of the Law, i.e., Articles 33-44, does not only regulate ASR but also covers other aspects of financing political subjects and electoral campaigns. Therefore, we will present only the relevant provisions of the law in the context of ASR in the table, according to the type of abuse, as well as the prescribed sanctions.

Table 1: Provisions of the LFPEEC on ASR

ABUSE OF STATE RESOURCES			
Prohibition/Restriction	Article	Description	Penalty
ABUSE OF INSTITUTIONAL RESOURCES			
Prohibition of using state premises	Art. 36, para. 1	The use of state authority premises, as well as the premises of state administration bodies, local self-government bodies, local government bodies, public enterprises, public institutions, and state-owned companies or enterprises, is prohibited for the preparation and implementation of electoral activities, unless equal conditions are provided for all participants in the electoral process.	Fine for misdemeanour violation: €5,000-€20,000 for the political entity; €500-€2,000 for the responsible person in the political entity.

²² European Commission Montenegro 2024 Report, p. 34, available at: https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2024_en

Prohibition of distributing advertising material and collecting support signatures for electoral lists	Art. 36, para. 2	The use of these premises is prohibited for the distribution of advertising material and for collecting signatures in support of electoral lists or candidacies for the President of Montenegro.	Fine for misdemeanour violation: €5,000-€20,000 for the political entity; €500-€2,000 for the responsible person in the political entity.
Prohibition of using state machinery and equipment	Art. 39 para. 1	Companies owned or majority-owned by the state or local self-government units are prohibited from lending their machinery and equipment to third parties without a special decision and contract for compensation, within six months before the planned election date, except in cases of damage caused by natural disasters, fires, or to prevent the spread of infectious diseases.	Fine for violation: €200-€2,000 for the responsible person.
Prohibition of using official vehicles	Art. 43, para. 1	Public officials are prohibited from using official vehicles during the election campaign period, except for official needs.	No prescribed penalty.
Limitation on employment	Art. 44, para. 1	State bodies, state administration bodies, local self-government bodies, local government bodies, public institutions, and state funds can exceptionally hire temporary employees or sign contracts for occasional work only to ensure the smooth functioning of these bodies during the election period.	Fine for misdemeanour violation: €200-€2,000 for the responsible person; €5,000-€20,000 for the legal entity.
Prohibition of engaging officials in election campaigns during working hours	Art. 44, para. 4	Except for MPs and councillors, public officials, and employees in state bodies, state administration bodies, local self-government bodies, local government bodies, public enterprises, public institutions, and state funds are prohibited from engaging in election campaign activities during working hours.	Fine for misdemeanour violation: €500-€2,000 for the individual.

ABUSE OF FINANCIAL RESOURCES			
Prohibitions on financing	Art. 33, para. 1	Political entities are prohibited from receiving material, financial, or non-financial contributions from foreign states, companies, legal entities outside Montenegro, individuals without voting rights in Montenegro, anonymous donors, public institutions, legal entities and companies with state capital, unions, religious communities, NGOs, casinos, gambling establishments, and other providers of games of chance.	Fine for misdemeanour violation: €10,000-€20,000 for the political entity; €500-€2,000 for the responsible person in the political entity.
	Art. 33, para. 5	Legal entities, companies, and entrepreneurs, as well as related legal and physical persons, who, based on a contract with the competent authorities, have carried out public-interest tasks or concluded contracts in public procurement procedures, are prohibited from donating to political entities for two years prior to the contract, during the contractual relationship, and for two years after the termination of the relationship.	Fine for misdemeanour violation: €500-€2,000 for the individual.
	Art. 34, para. 1	It is prohibited to promise or offer political or any other type of favour, privilege, or personal benefit to an individual or legal entity in exchange for financial, material, or non-material support for a political entity.	Fine for misdemeanour violation: €10,000-€20,000 for the political entity; €500-€2,000 for the responsible person in the political entity.
Prohibition of paid advertising	Art. 37	Paid advertising by state authorities and local self-government bodies, public institutions, and state funds that could favour political entities or their representatives during the election campaign is prohibited.	Fine for misdemeanour violation: €200-€2,000 for the responsible person.

Restrictions and prohibitions on using state funds	Art. 38, para. 1	State and local budgetary units, except for the State Election Commission and municipal election commissions, are prohibited from monthly expenditures exceeding the average monthly expenditure of the previous six months from the announcement to the election date, except in cases of emergencies as defined by law.	Fine: €200-€2,000 for the responsible person.
	Art. 38, para. 2	If elections are held in the first half of the year, monthly expenditure by budgetary units is prohibited from exceeding the amount determined by the expenditure plan set by the Ministry or local government at the beginning of the fiscal year.	Fine: €200-€2,000 for the responsible person.
	Art. 38, para. 4	State institutions involved in social and child protection and state and local authorities responsible for agriculture are prohibited from monthly expenditures exceeding the average monthly expenditure of the last six months of the previous year.	Fine: €200-€2,000 for the responsible person.
	Art. 40, para. 3 and 4	It is prohibited to allocate social benefits from the state and local budget reserves during the year in which local or parliamentary elections are held, except in cases of war, emergency situations, or epidemics. This prohibition also applies for six months after the announcement of elections.	Fine: €200-€2,000 for the responsible person.
Prohibition of debt cancellation	Art. 42, para. 1	Legal entities that are partially or majority state-owned or owned by local self-government units are prohibited from cancelling citizens' debts, including electricity, water bills, and other public service bills during the election period and for one month after elections.	Fine for misdemeanour violation: €5,000-€20,000 for the legal entity; €500-€2,000 for the individual.

	Art. 42, para. 3	State and local authorities are prohibited from forgiving obligations for VAT, other taxes, or parafiscal duties during the election period and for two months after the final results are established.	Fine for misdemeanour violation: €5,000-€20,000 for the legal entity.
Prohibition of introducing new or one-time subsidies	Art. 42, para. 2	During the year in which regular elections are held, and in the case of early elections from the announcement until two months after the final results are established, it is prohibited to introduce new or one-time subsidies for electricity or utility bills from state or local government-owned companies.	Fine: €200-€2,000 for the responsible person.
ABUSE OF ENFORCEMENT RESOURCES			
Prohibition of exerting pressure	Art. 35	Political entities, legal and physical persons are prohibited from exerting pressure on legal entities, companies, and individuals when collecting contributions or engaging in any other activities related to electoral campaigns and financing political entities.	No prescribed penalty. ²³

Amendments to the Law in 2020, during the COVID-19 pandemic, altered Art. 40, para. 3, which previously did not account for situations of epidemics or pandemics of infectious diseases. However, at the time, these amendments were criticized by some opposition parties and the NGO sector as a potential mechanism for vote-buying disguised as the distribution of social benefits. Furthermore, the criteria for distributing extraordinary welfare benefits are unclear, as noted in the 2020 OSCE/ODIHR report.²⁴

²³ For similar but more narrowly defined actions, Article 193b of the Criminal Code prescribes penalties for violating the freedom of choice in financing political entities and election campaigns. The penalty includes a fine or imprisonment of up to three years, or imprisonment from three months to five years if the offense is committed by an official.

²⁴ OSCE/ODIHR, International Observation Mission Montenegro – Parliamentary Elections, 30 August 2020, Statement of Preliminary Findings and Conclusions, p. 2

3.1.3. THE CRIMINAL CODE OF MONTENEGRO

Certain forms of ASR have been elevated to the level of criminal responsibility and are incorporated into the **Criminal Code of Montenegro**²⁵. In 2013, Art. 193a²⁶ was introduced as a criminal offense and later amended in 2017 to bear the title „**Unauthorized Use of State Property for Electoral Purposes.**”²⁷ This article stipulates that a public official who uses or allows the use of assets owned by state bodies, public institutions, enterprises, or other entities with state ownership stakes for the promotion of an electoral list may be punished with imprisonment from six months to five years. However, the article does not recognize the use of state property for promoting presidential candidates, and the definition of electoral list promotion is insufficiently defined.

Amendments to the Criminal Code adopted at the end of 2019²⁸ introduced two additional criminal offenses related to ASR: Articles 193b and 193v.

The first of these, Art. 193b, penalizes **the violation of freedom of choice in financing political entities and electoral campaigns**. It prescribes up to three years of imprisonment or a monetary fine for individuals who use force, threats, or other unlawful means to influence the provision of funds for financing political entities or campaigns. Public officials committing this offense may face imprisonment from three months to five years.

Article 193v establishes **a prohibition on accepting contributions from prohibited sources**. A responsible person within a political entity who knew or should have known that funds, contributions, or other benefits originated from criminal activities may face imprisonment for up to one year. Additionally, any individual who knew or should have known that such contributions were derived from criminal activities may face imprisonment from three months to five years.

The introduction of negligence as a form of liability opens potential avenues for abuse, especially given the absence of a prescribed minimum donation amount. Conversely, for the offense to be established, it must be proven that the contribution originated from criminal activity, making the offense difficult to substantiate. As structured, this article does not clearly address the societal need to combat illegal financing of political entities and campaigns effectively.

Although the provision of the Criminal Code addressing **the violation of equality in employment** (Art. 225) is not directly aimed at preventing the misuse of state resources, it is worth highlighting in the Montenegrin context. In a setting where party-based

25 „Official Gazette of the Republic of Montenegro,” no. 70/2003, 13/2004 - correction and 47/2006, and „Official Gazette of Montenegro,” no. 40/2008, 25/2010, 32/2011, 64/2011 - other law, 40/2013, 56/2013 - correction, 14/2015, 42/2015, 58/2015 - other law, 44/2017, 49/2018, and 3/2020.

26 „Official Gazette of Montenegro”, No. 40/2013, from 13.08.2013.

27 „Official Gazette of Montenegro”, No. 44/2017, from 06.07.2017.

28 „Official Gazette of Montenegro”, No. 3/2020, from 23.01.2020.

employment during elections is widespread and nearly normalized, this provision gains significance. It prescribes a monetary fine or imprisonment of up to one year as a sanction for such offenses.

3.1.4. OTHER RELEVANT LAWS AND REGULATIONS

Relevant provisions regulating conduct during elections and prohibiting the misuse of state resources are also embedded in other laws and regulations.

The Law on Internal Affairs²⁹ prohibits police officers from being members of political parties, engaging in political activities, or running for state or local elections (Art. 154). Additionally, it explicitly bans the Police Director from being a member of a political party or engaging in political activities during their tenure and within five years before applying for the position of Police Director (Art. 15). Similarly, the **Law on the Army of Montenegro**³⁰ mandates political neutrality, prohibiting members of the armed forces from publicly expressing their political beliefs or holding membership in political organizations (Art. 18). It also forbids wearing a uniform while attending political gatherings or protests (Art. 60).

Other legal acts also impose restrictions on behaviour and activities that constitute ASR. For instance, the **Law on State Administration**³¹ mandates non-partisan conduct by state administration bodies, requiring impartiality and political neutrality while prohibiting any political activities within such bodies (Art. 3). **The Law on Civil Servants and State Employees**³² includes provisions that prohibit the involvement of state bodies and employees in the electoral process. Article 9 specifies that civil servants and employees must perform their duties politically neutrally and impartially, in accordance with public interest, and must refrain from publicly expressing their political beliefs.

Additionally, the **Code of Ethics for Civil Servants and State Employees**³³ establishes ethical standards and rules of conduct, including a prohibition on expressing political affiliations that could undermine their impartiality and neutrality in carrying out their duties (Art. 10).

Media laws also play a vital role in regulating electoral activities by setting clear rules for the equal representation of political actors. Article 74 of the **Law on Electronic Media** stipulates that political parties, coalitions, and candidates with accepted candidacies and electoral lists must be presented equally³⁴. The same obligation is emphasized in Article 12 of the **Law on the National Public Broadcaster – Public Broadcasting Service of Montenegro**.³⁵

29 „Official Gazette of Montenegro“, No. 70/2021, 123/2021, 3/2023 and 84/2024.

30 „Official Gazette of Montenegro“, No. 51/2017 and 34/2019.

31 „Official Gazette of Montenegro“, No. 78/2018, 70/2021 and 52/2022.

32 „Official Gazette of Montenegro“, No. 2/2018, 34/2019 and 8/2021.

33 „Official Gazette of Montenegro“, No. 050/18 from 20.07.2018.

34 „Official Gazette of Montenegro“, No. 46/2010, 40/2011 – other law, 53/2011, 6/2013, 55/2016, 92/2017 and 82/2020 – other law.

35 „Official Gazette of Montenegro“, No. 60/2024 from 24.06.2024.

3.2. NATIONAL INSTITUTIONAL FRAMEWORK

The Agency for the Prevention of Corruption (hereinafter: the APC or the Agency) oversees the implementation of the LFPEEC and is thus responsible for addressing cases of ASR covered by the law.

The Agency acts *ex officio* or upon receiving a complaint from a natural or legal person, as stipulated in Art 56 of the Law, and decides whether to initiate proceedings based on the available information. According to Art. 57, the APC's authorized officers are tasked with gathering relevant information for oversight. The Agency monitors funding sources, advertising expenses, donations, and compliance with prohibitions on campaign financing from unauthorized sources. If irregularities are detected during inspections, the APC must notify the competent authority within 15 days.

Oversight is conducted according to a Control and Supervision Plan³⁶ adopted for each electoral cycle, which includes monitoring and verifying political entities' declared expenses and the obligation to use dedicated accounts for campaign-related payments. After the election campaign ends, the APC is required to publish a report on its oversight activities on its website within 60 days of the final election results.

For minor irregularities, the APC may issue a warning to a political entity and set a deadline of 10 to 30 days to address them. If the irregularities are not corrected, the Agency may initiate misdemeanour proceedings before the competent court or impose measures such as partial or complete suspension of the right to budgetary transfers, in accordance with Art. 60.

In its regular activities, the APC also monitors the financing and reporting of political entities. Failure to submit required reports may result in the temporary suspension of budgetary transfers, while serious violations can lead to permanent suspension. However, despite being primarily responsible for overseeing political financing, the APC can only examine funds collected through the official accounts of political entities. Funds obtained in violation of LFPEEC are confiscated in accordance with the Law on Misdemeanours (Art. 62).

Notably, the APC lacks repressive powers. According to Art. 82 of the **Law on the Prevention of Corruption**, the Agency can only issue misdemeanour orders and initiate misdemeanour and other proceedings³⁷. The Agency cannot independently conclude proceedings; it forwards cases to the competent authority, in this case, the misdemeanour court.

In cases of reasonable suspicion that a criminal offense prosecutable *ex officio* has occurred, the APC is obligated to forward its findings and evidence to the competent state prosecutor without delay (Art. 40, para. 1). This includes offenses under subsection

³⁶ The Control and Oversight Plan for the election campaign for the election of councillors in the Capital City of Podgorica scheduled for September 29, 2024. Available at the link: https://www.antikorupcija.me/media/documents/Plan_kontrole_i_nadzora_za_izbornu_kampanju_za_izbor_odbornika_u_Glavnom_gradu_Podgorica.pdf

³⁷ „Official Gazette of Montenegro“, No. 54/2024 from 11.6.2024.

3.1.3., where the Basic State Prosecutor's Office has jurisdiction to initiate proceedings before the Basic Court.

The Agency's role is primarily preventive, further constrained by the legal framework outlined in Art. 1 of LFPEEC. This article limits oversight of state property management, funds, and public authority utilization, as well as financial audits of political entities, exclusively to the election campaign period.

Additional limitations hinder the APC's ability to combat corruption effectively. For instance, the Agency cannot access documents classified as confidential by the Government of Montenegro or line ministries, even during election campaigns. This significantly undermines effective oversight and the detection of state resource misuse. Experience has shown that government officials exploit this provision to classify documents and conceal violations of LFPEEC.³⁸

³⁸ See more: CeMI, Abuse of State Resources in Montenegro, 2020, p. 35, available at: <https://cemi.org.me/storage/uploads/Tyx0R9YRseUVpcJAvpdeWztlkrDxpHvh2B3cAyH.pdf>

ABUSE OF STATE RESOURCES IN LOCAL ELECTIONS IN PODGORICA

4.1. METHODOLOGY

The first methodology for monitoring ASR was developed by CeMI in collaboration with *Transparency Russia and the Open Society Justice Initiative* for the observation mission during the parliamentary elections held in 2009. In 2020, CeMI upgraded the methodology within the framework of the project "Supporting Decision-Makers in Implementing Anti-Corruption Standards," implemented with financial support from the International Foundation for Electoral Systems (IFES) and the Central and Eastern European Law Initiative (CEELI).

In accordance with this methodology, our research on ASR and accompanying analyses primarily focused on abuses regulated under Chapter V of the LFPEEC, specifically: the use of state and local budget funds during election campaigns (Art. 38), the misuse of social protection (Art. 40), employment during election campaigns (Art. 44), and the engagement of employed individuals, particularly public officials (Art. 44, para. 4).

This focus on these four forms of abuse was based on the most frequent types of MSR we had recorded during past election cycles. However, experience has shown that it is necessary to continuously supplement and adapt the methodological approach, given the increasing tendency of certain entities to resort to other forms of abuse to gain electoral advantages unfairly.

Furthermore, one of the key objectives of our research efforts is to identify and analyse legal ambiguities and shortcomings that enable the impunity or inadequate sanctioning of abuses.

Therefore, our approach necessarily includes a comprehensive analysis of all abuses identified during election campaigns, enabling us to respond promptly to new forms of abuse in electoral processes that are not always adequately regulated by the current legal framework.

4.2. POLITICAL CONTEXT

The local elections held on September 29, 2024, in Podgorica took place in an environment shaped by significant changes that began in 2020, when the Democratic Party of Socialists (DPS) lost power after nearly three decades. The ruling majority was frequently accused of fully integrating state institutions into the party apparatus. Despite persistent warnings from domestic and international observers, as well as opposition parties, the abuse of state resources became a practice that accompanied every electoral cycle. Certain political figures currently in power partially built their

political positions, while in opposition, on such criticisms.

After losing power in the 2020 parliamentary elections, DPS gradually lost control at the local level as well, culminating in their defeat in 2022 in the capital. The losses continued in 2023, when Milo Djukanović lost the presidential election to Jakov Milatović, leaving the party without any significant state functions.

The new ruling coalition, though politically young, soon showed signs of internal divisions and differing ambitions among its key actors. These tensions, which became apparent to the broader public early on, culminated in a split within the Europe Now Movement—between a faction close to President Milatović and another supporting Prime Minister Spajić. This conflict led to the collapse of the local government in the capital in less than two years, resulting in the calling of early local elections.

The local elections in Podgorica were marked by a pronounced negative campaign and systematic abuse of state resources by high-ranking state officials, including the president, who directly engaged in the electoral process, as well as the prime minister, deputy prime minister, and several ministers who used their positions for the political promotion of a joint electoral list.

The new ruling majority acted with the knowledge that certain actions they took during the campaign constituted abuses but skilfully circumvented legal prohibitions, aware that the regulations would not be fully or adequately enforced. Among them were officials who openly accepted paying fines, knowing that the political benefits of abusing state resources far outweighed any potential consequences, given that the legal framework remained unchanged, and the prescribed penalties were merely symbolic—a small price for achieving lucrative political goals.

4.3. ENGAGEMENT OF PUBLIC OFFICIALS IN CAMPAIGN ACTIVITIES

The local elections in Podgorica were characterized by an unprecedented level of direct involvement by high-ranking state officials in the election campaign. This activity began with a statement from President Milatović on August 22, in which he expressed a sense of responsibility to participate in the electoral process in Podgorica.³⁹ Following this declaration, President Milatović actively engaged in the campaign for the electoral list bearing his name, “Jakov Milatović – FOR A BETTER PODGORICA!” In addition to the list’s name, President Milatović was also the face of the campaign. His image appeared on promotional materials such as billboards and TV and online advertisements, and he participated in promotional rallies for “his” electoral list⁴⁰ and other similar events clearly aimed at promoting the list.

President Milatović managed to formally avoid violating the legal prohibition on participating in election activities during working hours in most of his campaign appearances. For example, on September 10, a gathering was held in the hall of the

39 <https://www.cdm.me/politika/milatovic-imam-odgovornost-da-se-ukljucim-u-izbore-u-glav-nom-gradu/>

40 <https://www.cdm.me/politika/danas-predstavljanje-liste-za-bolju-podgoricu/>

Old Government Building to present the electoral list „Jakov Milatović – FOR A BETTER PODGORICA!“⁴¹ At this event, President Milatović, in his capacity as head of state, delivered a message that explicitly favoured the electoral list. Similarly, on September 20, he participated alongside candidates from the same electoral list in commemorating the Ecological State Day.⁴² Both events took place outside official working hours.

However, just a few days before the elections, in the morning of September 24, he participated in a press conference organized by the same electoral list, thereby directly violating the prohibition stipulated in Art. 44, para. 4 of the LFPEEC. The irony of this situation was particularly striking, as President Milatović used the same press conference to speak about ASR by his political opponents.

Following this incident, President Milatović denied allegations from an NGO MANS complaint regarding the alleged ASR. He justified his participation in the press conference by arguing that the working hours of the President of Montenegro are not defined by any regulation or employment contract, making it, in his view, impossible to interpret the alleged violation of working hours as specified in the complaint.⁴³

For years, the APC has justified inaction in cases of „public officials' campaigning“ by citing ambiguities in interpreting Art. 44, para. 4 of LFPEEC. This legal vagueness has allowed officials to continue such engagements with impunity, relying on the fact that the prohibition of participation in election activities is formally limited to working hours.

In addition to President Milatović, other state officials actively participated in the campaign, particularly those supporting the electoral list “EUROPE NOW – DEMOCRATS – STRONGER – PROF. DR. SAŠA MUJOVIĆ.” On September 3, after submitting the list, the Prime Minister of Montenegro, Miloško Spajić, Deputy Prime Minister Aleksa Bečić, Minister of Internal Affairs Danilo Šaranović, and Minister of Energy Saša Mujović, whose name the list carried, actively joined the campaign, openly expressing their support for this political option.

As with President Milatović, promotional materials featuring their images were displayed at numerous locations across Podgorica, including the façade of the former shopping mall in the city centre, where this coalition prominently displayed images of several government ministers alongside the list number.

41 <https://gradski.me/za-bolju-podgoricu-dok-drugi-brane-vladu-i-njihovih-30-i-kusur-fotelja-mi-cemo-se-boriti-za-interese-podgorice/>

42 <https://www.cdm.me/politika/milatovic-i-rakcevic-sa-kandidatima-za-odbornike-povodom-da-na-ekoloske-drzave-zasadili-drvece-na-ljeskopoljskoj-gorici/>

43 <https://www.vijesti.me/vijesti/politika/728280/milatovic-radno-vrijeme-predsjednika-nije-unaprijed-definisano-niti-propisom-niti-ugovorom-o-radu>



Source: Radio Free Europe

<https://www.slobodnaevropa.org/a/crna-gora-izbori-podgorica/33126380.html>

A substantial number of abuses during the election campaign involved a combination of institutional and financial misuse, particularly through the engagement of public officials in the election campaign, known colloquially as „public officials’ campaign.” This common practice often takes the form of official trips or visits to various parts of the country or municipalities where elections are taking place. During such visits, officials meet with citizens and appear in the media to discuss future activities, projects, investments, and similar topics. This type of abuse typically emphasizes the value of infrastructure projects, anticipated job creation, and expected salaries, thereby incorporating the financial dimension of the misuse.

During the campaign for the local elections in Podgorica, we recorded multiple instances of this form of ASR.

Table 2: Engagement of Public Officials in the Campaign for the Local Elections in Podgorica 2024⁴⁴

DATE	DESCRIPTION
10.8.24	<p>Prime Minister Milojko Spajić announces the establishment of a commodity reserve company and direct delivery to citizens, emphasizing that this will be a way to fight high prices.</p> <p>Source:https://www.cdm.me/ekonomija/spajic-vlada-ce-osnovati-preduzece-za-robne-rezerve-i-za-direktnu-dostavu-gradanima/</p>
23.8.24	<p>Prime Minister Milojko Spajić announces the completion of 18 highway and fast road sections through Montenegro in the next five years, with an estimated value of eight billion euros.</p> <p>Source:https://www.vijesti.me/vijesti/ekonomija/721028/paf-paf-i-gotovo-nevidjeno-brza-gradnja-a-jos-brza-voznja</p>
9.9.24	<p>Prime Minister Milojko Spajić, Monteput Director Milan Ljiljanić, and Minister of Transport Maja Vukićević speak about the tender announced for the conceptual project of the highway bypass around Podgorica, worth 180-200 million euros.</p> <p>Source:https://investitor.me/2024/09/09/od-smokovca-do-tolosa-raspisan-tender-za-idejni-projekat-auto-puta-oko-podgorice/</p>
13.9.24	<p>Minister of Finance Novica Vuković highlights the budget revenues and announces an increase in pensions after the implementation of the Europe Now 2 program.</p> <p>Source:https://www.dan.co.me/vijesti/penzioneri/vukovic-prihodi-80-miliona-veci-od-plana-penzije-mogu-samo-da-rastu-5259378</p>
14.9.24	<p>Minister of Energy Saša Mujović announces the realization of infrastructure projects that will "revitalize Donja Gorica and make it more attractive for living."</p> <p>Source:https://www.vijesti.me/vijesti/politika/724072/mujovic-predstoji-realizacija-projekata-koji-ce-donju-goricu-preporoditi-i-uciniti-je-privlacnom-za-zivot</p>
17.9.24	<p>Prime Minister Milojko Spajić and Minister of Finance Novica Vuković announce an infrastructure project for the construction of Vojislavljević Boulevard in Podgorica, worth 14.5 million euros.</p> <p>Source:https://www.cdm.me/ekonomija/milojko-spajic-se-obraca-javnosti-u-podne/</p>
19.9.24	<p>Prime Minister Milojko Spajić, Minister of Health Vojislav Šimun, and Director of the Clinical Center of Montenegro Aleksandar Radović ceremoniously opened the new facility of the Psychiatry Clinic within the Clinical Center of Montenegro. The facility is worth 7.3 million euros.</p> <p>Source:https://www.kccg.me/vijesti/otvorena-nova-klinika-za-psihijatriju-dr-dusan-kosovic/</p>

⁴⁴ This is not an exhaustive list but merely some examples intended to illustrate the problem.

21.9.24	<p>Prime Minister Milojko Spajić presents the Velje Brdo project, which aims to address the housing needs of citizens under favourable conditions for around 42,000 residents of Montenegro.</p> <p>Source:https://www.vijesti.me/vijesti/ekonomija/725146/spajic-za-stan-od-100-kvadrata-390-eura-mjesečno-za-30-godina-otplate-za-stan-od-60-kvadrata-290-eura-mjesečno</p>
23.9.24	<p>Minister of Education, Science, and Innovation Anđela Jakšić-Stojanović signs a sectoral collective agreement with the president of the representative education union regarding amendments to the Sectoral Collective Agreement for Education, which includes salary increases for over 15,000 education workers in Montenegro, less than a week before the elections.</p> <p>Source:https://m.cdm.me/drustvo/uvecane-zarade-za-preko-15-000-prosvjetnih-radnika-u-crnoj-gori/</p>
26.9.24	<p>The Ministry of Internal Affairs, led by the Democratic Montenegro member Danilo Šaranović, organized a police parade on September 26 to mark the Day of Internal Affairs, which is officially observed on October 2. During this event, several streets in the capital were closed.</p> <p>Source:https://mnemagazin.me/2024/09/26/mup-danas-zatvaranje-neko-liko-podgorickih-ulica-zbog-dana-unutrasnjih-poslova/</p>

The main reason for the widespread nature of this form of ASR is poor legal regulation, specifically the formulation in Art. 44 of the LFPEEC. For years, the Agency has justified its failure to act in cases of employee involvement in the campaign by referring to ambiguities in the interpretation of Art. 44, para. 4 of the LFPEEC. This legal uncertainty has allowed officials to continue such engagement without punishment, relying on the fact that the prohibition of involvement in electoral activities is formally limited to working hours.

However, the solution should not be sought solely in a more precise formulation of the prohibition in the LFPEEC. As an example from comparative practice, we can mention the Republic of Serbia, where this abuse is regulated by the Law on Electronic Media. Specifically, Art. 62, para. 4 of this law reads:

Thirty days before the day set for voting, the media cannot report on official public gatherings at which infrastructure and other facilities (roads, bridges, schools, hospitals, factories, etc.) are opened or where the construction of such facilities begins, if public officials who are candidates for President of the Republic, members of the National Assembly, representatives in the assembly of an autonomous province, and councillors in the assembly of a local government unit participate in those gatherings.

4.4. EMPLOYMENT DURING THE ELECTION CAMPAIGN

In Montenegro, employment for the purpose of securing and maintaining the voter base represents a widespread problem. It can be said that, of all forms of ASR, this is the most significant issue as it burdens both state and local finances, and the employment of unqualified labor affects the quality and efficiency of public services. In the long term, such practices leave deep consequences on society and institutions. The unnecessary burden on state and local finances due to an excess of workforce also reduces the space for investment in development projects.

One of the most notable examples of this phenomenon is the „Recording Affair” from 2012, which exposed conversations within the DPS during party meetings about employing people based on party affiliation during the election campaign. Although the affair had a significant public impact, it never received an adequate institutional conclusion, which undoubtedly contributed to the creation of a precedent for the continuation of party-based employment practices and further normalization of ASR.

When the new government came to power in 2020, instead of distancing itself from this practice, it was clear that the long-term consequences of previous abuses had influenced the employment policy. The new government continued the practice of employment based on party affiliation, in order to strengthen its position and increase its voter base.

However, before the new government began systematically using ASR as part of its policy, steps were taken to adjust the legal framework and create conditions for hiring individuals in the public administration who previously did not meet the legal requirements. One of the first steps was the amendment of the Law on Civil Servants and Employees, which significantly reduced the criteria for employment in the public sector.

The draft amendments to this law were submitted to the Parliament on December 11, 2020⁴⁵, just seven days after the formation of the 42nd Government of Montenegro⁴⁶. These amendments, adopted on January 20, 2021⁴⁷, envisaged a reduction in employment criteria, opening the door for a wider range of candidates. In this way, the new legal framework not only enabled further politicization of the public administration, but the entire endeavor represented an abuse of regulatory resources. Instead of contributing to the professionalization and strengthening of institutions, the law was used to create a framework that favors party interests.

As in all previous election cycles, the practice of mass employment in the public sector continued after 2020, including during the last local elections in Podgorica. In further analysis, we will focus exclusively on cases of employment within the territory of the Capital City.

45 <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/72/2422-14015-23-2-20-4.pdf>

46 <https://www.gov.me/clanak/236847-izabrana-42-vlada-crne-gore>

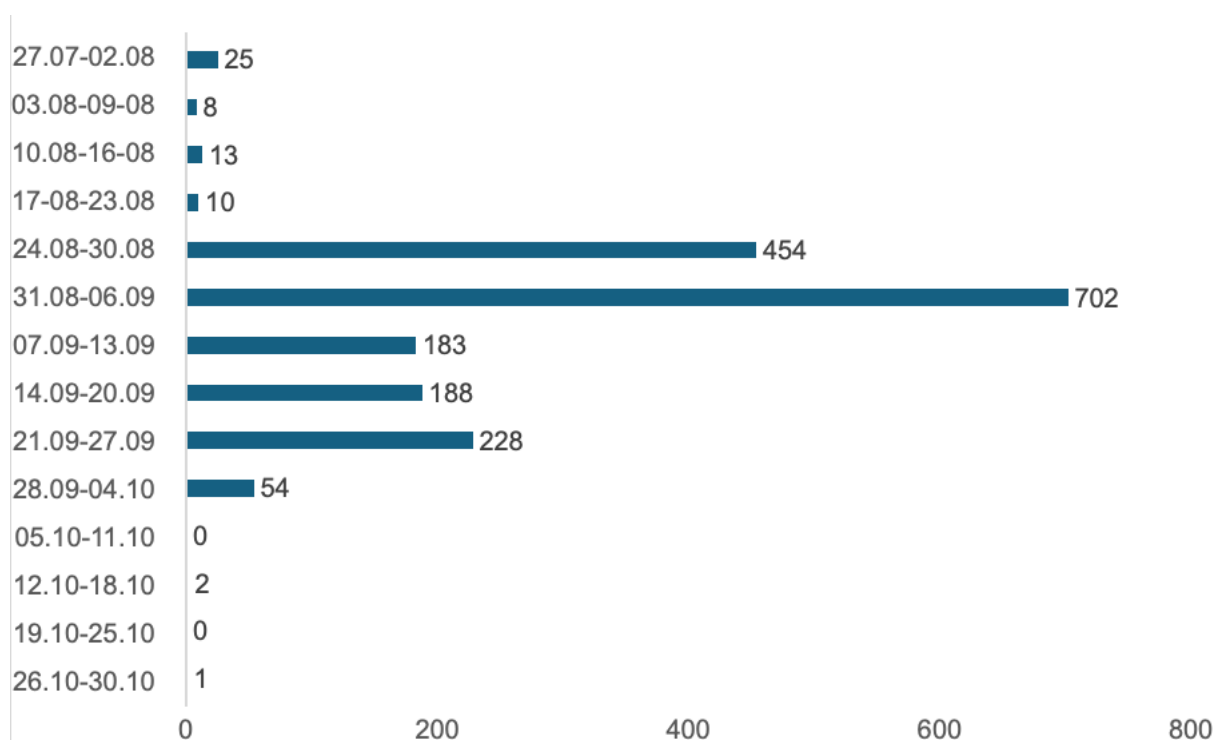
47 „Official Gazette of Montenegro”, No. 8/2021 from 26.01.2021

From the day the elections were called to the day the final results were announced, the Agency received 1,868 contracts for various types of engagements in Podgorica. The monthly status looks as follows:

Table 3: number and percentage of contracts sent to the APC on a monthly basis

MONTH	NUMBER AND PERCENTAGE OF CONTRACTS	
July	14	0,75%
August	541	28,96%
September	1.305	69,96%
October	8	0,43%
TOTAL	1.868	100%

Graph 1: the number of contracts on a weekly basis, from the announcement of the elections to the proclamation of the final results



As can be seen from the attached table and graph, there is a sharp increase in the number of employment contracts at the end of August, peaking at the beginning of September. While this trend can be partially explained by the start of the school year, when a large number of workers are hired in the education sector and contract annexes are signed, this does not justify the phenomenon.

A similar pattern was observed during the parliamentary elections of 2020, held on August 30, when the highest number of contracts (71.95% of 788 nationwide) was concluded in August⁴⁸, while there was a sharp decline in September (to just 6.35%).

48 CeMI, Abuse of State Resources in Montenegro, *op.cit.*, p. 42

However, four years later, September—the election month—becomes the period in which 70% of **1,868 engagement contracts in a single municipality** were submitted to the APC, with a sharp drop seen in the following month. This raises the logical question of why there is such a concentration of employment precisely in the election atmosphere, further fueling suspicions of potential political motives behind the large number of these contracts.

It is also important to highlight that the available data does not provide a complete picture of the actual situation. A significant number of employments occur in state-owned or partially state-owned enterprises, which are not covered by the existing law. These companies are not obligated to inform the Agency about the number of employees during the election campaign, nor are they subject to control in this regard. Public enterprises at the local level consistently report large losses, while hiring a significant number of workers.⁴⁹

4.5. OTHER FORMS OF ASR

In addition to the involvement of officials in the election campaign and party-based employment, other forms of abuse of state resources have been recorded—abuse of institutional and financial resources.

Namely, besides his participation in the campaign, President Milatović violated Art. 36 of the LFPEEC. This provision prohibits the use of premises of state authorities, state administration bodies, local governments, as well as public institutions, funds, and companies under state or local government control for election campaign purposes, unless equal conditions are provided to all election participants.

The violation occurred with the publication of a promotional video filmed in the office of the President of Montenegro. The video was posted on the YouTube channel of the electoral list „Jakov Milatović – FOR A BETTER PODGORICA!“ where it is still available.⁵⁰

Additionally, the conference held on September 24, mentioned in section 4.2, was held in the office of the President of Montenegro. As such, it represents another violation of Art. 36 of LFPEEC, both by President Milatović and by Luka Rakčević, the candidate for mayor from this list, who also participated in the conference.

In addition to institutional resources, financial resources were also misused, both directly and indirectly. One of the most drastic examples of ASR involves the decision by the Mayor of Podgorica, Olivera Injac, to introduce free bus transportation in urban and suburban traffic. The APC initiated a procedure regarding this decision and determined that Art. 42, para. 2 of LFPEEC was violated due to the introduction of new subsidies in public transportation.⁵¹

Although the authorities in the Capital claimed that the Decision was made in connection with the European Mobility Week and was not politically motivated, the APC concluded that

49 <https://www.cin-cg.me/poslovanje-opstinskih-preduzeca-bastioni-partija-lideri-gubitaka/>

50 <https://www.youtube.com/watch?v=n8jpyTDwD-k>

51 <https://www.antikorupcija.me/me/novosti/2409241157-saopstenje-agencije-za-sprecavanje-korupcije/>

its duration significantly exceeded the usual observance of this initiative, which lasts seven days. In contrast, free transportation was provided throughout September 2024. This practice was deemed an abuse of state resources in the context of the election campaign. As a result, the APC imposed a fine of 200 euros on Mayor Injac.

After the APC determined the violation of the law, the mayor stated that she would comply with the decision, but only in relation to paying the fine.⁵² This case perfectly illustrates the shortcomings of the current law regarding punitive provisions, which lack a deterrent effect and do not represent a serious mechanism for preventing the abuse of state resources during the election campaign.

There was also noticeable misuse of indirect financial resources. The Government of Montenegro placed particular emphasis on promoting the national economic program „Europe Now 2”, using it in a way that was clearly linked to the electoral list „EUROPE NOW – DEMOCRATS – EVEN STRONGER – PROF. DR SAŠA MUJOVIĆ”

Billboards promoting the positive effects of the „Europe Now 2” program were set up at numerous locations in Podgorica, often featuring the image of Prime Minister Spajić.⁵³ His image was simultaneously used in direct promotion of electoral list No. 6, attempting to create a connection between electoral list No. 6 and the „Europe Now 2” program. This practice was, to some extent, acknowledged by representatives of PES, when their party member, Dražen Petrić, accused President Jakov Milatović of calling the elections before the „Europe Now 2” program took effect, to prevent citizens in Podgorica from experiencing its benefits before the election.⁵⁴

The Government also actively promoted the „Limited Prices” program during the election period, sending SMS messages to citizens notifying them of its implementation.

Several other cases also draw attention, although they do not formally represent legal violations.

Namely, the administration of the Capital City decided to pay 50 euros to all students who enrolled in the first grade of elementary school as part of a back-to-school initiative.⁵⁵ The announcement for this initiative was made on September 19 and lasted until November 4, meaning the payments were not made during the election campaign and thus did not violate LFPEEC. However, such a move raises questions about its timing—why was the initiative not delayed by just a few days to avoid suspicions of possible political motives right before the election? It gives the impression that the decision was timed to take advantage of voter attention, even though the law was not breached.

In a similar manner, the Capital City’s Agricultural and Rural Development Support Service published a public call as part of the Incentive Measures Program for agriculture and rural development in the territory of Podgorica.⁵⁶

52 <https://www.etv.me/politika/injac-stojim-iza-odluke-o-besplatnom-prevozu>

53 <https://www.vijesti.me/vijesti/ekonomija/723793/povecanje-za-sve-vazice-za-40-odsto-penzionera>

54 <https://evropasad.com/petric-milatovic-i-datum-izbora-dogovorio-sa-opozicijom/>

55 <https://podgorica.me/raspisan-javni-poziv-za-prvake/>

56 <https://podgorica.me/poziv-poljoprivrednicima-da-se-prijave-na-javni-poziv-u-sklopu-programa-podsticajnih-mjera-podrske-poljoprivredi-i-ruralnom-razvoju/>

CONCLUSIONS AND RECOMMENDATIONS

Despite expectations that the change in government in 2020 would lead to an end to the practices of abusing state resources, Montenegro has unfortunately witnessed their continuation, often in a more sophisticated form. The new government has shown no willingness to distance itself from the controversial practices of its predecessors. On the contrary, it appears to have integrated them into its own political arsenal, using state resources to solidify its position and create an advantage on the political field.

The continuous abuse of state resources highlights a deeper problem that goes beyond individual governments or political parties. It reveals a systemic weakness in political culture and the institutional framework, where personal and party interests often take precedence over the public good and democratic standards.

Real progress in combating the abuse of state resources largely depends on clear political will and accountability from the ruling structures, which, unfortunately, is absent, despite attempts to create the illusion of the opposite in the public eye. The behavior of political parties during the local elections in Podgorica further confirmed that the lack of political will remains the main obstacle to curbing the abuse of state resources and reforming electoral legislation in general.

Although a legislative and institutional framework formally exists, its inefficiency and ambiguity open the door for the continuation of state resource abuse, which often goes unpunished. Even when sanctions are imposed, their symbolic nature fails to achieve a deterrent effect. This situation further strengthens the belief among the ruling structures that they can use state resources for their political goals, treating the imposed fines as a negligible cost compared to the political benefits they gain. In this way, the abuse of state resources becomes institutionalized as an unwritten rule of political action, with no consideration for the consequences it has on democracy and the rule of law.

Instead of reforming and strengthening the legal framework, the ruling parties have continued to exploit the shortcomings of existing legislation to achieve short-term political goals. This practice, which is increasingly taking on the form of a political norm, creates a vicious circle where the abuse of state resources continues and further entrenches itself.

In the coming period, political actors must demonstrate the willingness to prioritize the public interest over party calculations. Efforts must be directed at strengthening the legal and institutional framework to ensure consistent enforcement of the law and effective sanctioning of abuses. Key priorities include creating a more efficient legal and institutional framework, with the decisive political will to end existing practices. Without these changes, the abuse of state resources will remain a permanent obstacle to the democratization of Montenegro.

RECOMMENDATIONS

DECISIONMAKERS

1. Article 44 of the LFPEEC should be divided into two separate articles to precisely regulate the two different types of abuses. Article 44 would refer exclusively to employment during the election period, while a new article, potentially 44a, should prohibit the engagement of employees in electoral campaigns.
2. From the moment of election announcement to its conclusion, new employment should be prohibited, whether for fixed-term or indefinite periods. Organizational changes or restructuring should also be prohibited during this time. Exceptions can only be granted in specific, extraordinary situations that are essential for the uninterrupted functioning of the system. In such cases, temporary employments or contracts can be allowed, but only if they align with pre-established plans defined by a systematization act and job descriptions.
3. The employment ban in Article 44 should also apply to economic entities established by the state or local governments, as well as those in which they hold a majority or partial ownership.
4. Fixed-term employment should also include contracts for works, consulting agreements, and other similar engagement contracts that could be used to bypass the employment prohibition.
5. A new Article 44a should clearly and precisely define who has the right, and who does not, to participate in electoral campaign activities, as well as the conditions under which such participation can be realized. It is especially important to establish a ban on participation in electoral activities by state officials, regardless of working hours, to prevent abuse of their positions for political purposes.
6. It should also be prohibited to use the image of public officials for promoting electoral lists. This would prevent their misuse for political purposes and stop circumvention of the ban on active participation in electoral activities.
7. The media laws should be amended to prohibit the broadcasting and reporting of public events in which infrastructure projects are inaugurated or announced if public officials who are also candidates in the elections participate, following the example of the Law on Electronic Media of the Republic of Serbia.
8. The punitive provisions need to be thoroughly revised, with not only stricter sanctions for political entities and responsible individuals but also a detailed criminal policy for public officials. The disciplinary responsibility system for judges and prosecutors could provide inspiration. In this system, there are clear definitions for minor, severe, and most severe forms of disciplinary offenses. It is worth considering a similar system for state resource abuse by public officials. For the most severe abuses, consideration should be given to introducing dismissal from office and a ban on holding public office for a certain period.

9. A sanction should be introduced for the abuse of official vehicles. This ban should be clarified to take into account that certain individuals have the right to use official vehicles 24/7. A new provision is recommended that would clearly define exceptions to the ban, specifying which individuals are exempt from it.
10. A clear and precise sanction should be defined for the prohibition of pressure as outlined in Article 35, with a detailed definition of the type of pressure to avoid ambiguity and overlap with criminal acts under Article 193b of the Criminal Code. Without this precision, there is a risk of misclassifying the act as an administrative offense rather than a criminal offense, or vice versa. Alternatively, after consultations with relevant experts in criminal law, this provision may be removed from LFPEEC and regulated solely as a criminal offense under the Criminal Code.
11. To deter potential misuse of funds, Parliament should strengthen oversight over the expenditure of reserve budget funds, particularly during electoral periods. An ad-hoc parliamentary committee should be established to ensure balanced representation of the ruling majority, the opposition, and civil society members. Alternatively, sessions of this committee should be open to observers during the election period. The committee should be responsible for detailed oversight of the distribution and use of reserve budget funds, with a mandate that lasts from the day elections are announced until the final results are declared.
12. The Parliament should consider introducing penalties for the improper classification of secret data in the Law on Classified Information to ensure accountability in the case of incorrect classification of expenses as secret. To make these measures truly deterrent, the statute of limitations must be aligned with this. This requires an analysis of the average duration during which government expenses remain classified.
13. Amendments to the Criminal Code should clarify the criminal offense under Article 193a as follows:

A public official who, for the purpose of presenting an electoral list or candidate, or otherwise placing an electoral list or candidate in a privileged position, uses or facilitates the use of the property of state bodies, public institutions, public enterprises, and funds, local government units, and companies in which the state holds an ownership stake, shall be punished with imprisonment from six months to five years.

14. Amendments to the Criminal Code should clarify the criminal offense under Article 193v as follows:

Anyone who, in violation of legal provisions, finances the work or campaign of a political subject through monetary and non-monetary means or other contributions that constitute a benefit for the political subject, shall be fined or imprisoned for up to three years.

If the amount exceeds (...to be determined...), they shall be punished with imprisonment from six months to five years.

The accepted funds, contributions, or other benefits shall be confiscated.

15. The Law on Financing Political Subjects and Electoral Campaigns should be amended to regulate the use of social media during the campaign and to address behaviour and use of social media during the election silence.
16. The government should improve transparency in the process of social welfare during and outside of electoral processes. In principle, the government should refrain from declaring costs as secret during the election campaign. Clear rules and by-laws need to be developed to define the principles of transparency in public financing during the election period, including defining situations in which the government can, and cannot, declare costs as secret during the election period.

THE AGENCY FOR PREVENTION OF CORRUPTION

17. To ensure effective employment control, it is essential to enable the Agency for Prevention of Corruption to conduct continuous monitoring, not just during the election campaign. This measure is crucial not only in preventing the abuse of state resources during the electoral period but also in fighting corruption in general, given the national context and the frequent occurrence of party-motivated hiring, which often happens outside the election period as well.
18. The Agency for Prevention of Corruption, as the primary anti-corruption body in the country, must have access to all expenses incurred by state authorities during the election campaign to ensure complete transparency and effective monitoring of their lawful use. No expense should be inaccessible or classified as secret for the Agency.
19. Increasing the Agency's capacity for continuous in-depth investigations should be complemented by a requirement to continuously publish all documents and findings that it is currently only obligated to publish during the election period.
20. Furthermore, to strengthen the Agency's ability to monitor all submitted documents, the LFPEEC should be amended to ensure a functional level of cooperation with other relevant bodies and institutions. It is particularly important to provide the Agency with the means to carry out in-depth investigations through stronger institutional links with the prosecution, which would give the Agency a proactive role that it currently lacks. This is especially significant when it comes to the Agency's ability to detect illegal contributions to politicians and political entities, which the Agency should be able to do continuously, not just during the election campaign.
21. The Agency must be allowed continuous oversight of the disposal of state property, funds, and public powers, with the authority to audit up to 10 years retroactively.
22. The Agency should be granted access to official premises, the authority to seize documents against the will of the authorities, and the power to initiate disciplinary proceedings.
23. The Agency must improve and promote its role in protecting whistleblowers to encourage potential whistleblowers to report serious cases of abuse of state resources.

24. The Agency should adopt new strategies for monitoring the abuse of state resources tailored to the online environment and work on enhancing its capacity to collect evidence of such abuses using new technologies.

CIVIL SECTOR, MEDIA AND GENERAL PUBLIC

25. Public awareness among citizens about recognizing various forms of abuse of state resources during and outside election campaigns needs to be significantly increased. NGOs specialized in election monitoring and anti-corruption, at both national and local levels, should develop communication channels with citizens. These channels may include legal assistance, interactive forums, and educational workshops, aimed at raising awareness, monitoring, and reporting cases of ASR during election campaigns.

26. Civil servants and employees must maintain the highest standards of professionalism and independence. Targeted training and awareness-raising campaigns can ensure they are aware of ASR and dedicated to reducing its occurrence in state and municipal institutions.

27. Media outlets must be better equipped to identify and report ASR. This includes specialized training for journalists at both national and local levels, emphasizing the key role they play in monitoring election campaigns, as well as outside of them, shedding light on any potential abuse of state resources.

28. The general lack of understanding of the electoral system, as well as the importance of preventing ASR, indicates the need to introduce Electoral Law into the curricula of law faculties. This new course should provide a comprehensive overview of electoral procedures and regulations, while also examining the phenomenon of ASR in detail. Through a combination of theoretical knowledge, case studies, and guest lectures from experts, students can gain a deep understanding of this topic. This would allow future lawyers to recognize and analyse ASR, ensuring that future generations of legal professionals are well-prepared to safeguard the integrity of the electoral process.

REFERENCES

- Centre for Anti-Corruption Research, Final Report on Monitoring the Misuse of State Resources during election campaign for the December 2003 Russian Federal State Duma Elections, Moscow, 2004.
- Centre for Monitoring and Research CeMI, Abuse of State Resources in Montenegro, 2020, available at: <https://cemi.org.me/storage/uploads/e07rkAyZ4LGNLNQBDr1bElArKI7iZPi1lqF8dpfb.pdf>.
- Council of Europe Committee of Ministers Recommendation Rec(2003)4, available at: <https://rm.coe.int/16806cc1f1>
- Criminal Code of Montenegro („Official Gazette of the Republic of Montenegro,” no. 70/2003, 13/2004 - correction and 47/2006, and „Official Gazette of Montenegro,” no. 40/2008, 25/2010, 32/2011, 64/2011 - other law, 40/2013, 56/2013 - correction, 14/2015, 42/2015, 58/2015 - other law, 44/2017, 49/2018, and 3/2020).
- Document of the Copenhagen meeting of the conference on the human dimension of the CSCE, available at: <https://www.osce.org/files/f/documents/9/c/14304.pdf>
- Ethical Code of Civil Servants and Public Employees („Official Gazette of Montenegro “, No. 050/18 from 20.07.2018).
- European Commission Montenegro 2024 Report, p. 34, available at: https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2024_en
- Handbook for the Observation of Campaign Finance, ODIHR, Warsaw, 2015, available at: <https://www.osce.org/odihr/elections/135516>
- Law on Amendments to the Law on Civil Servants and Public Employees („Official Gazette of Montenegro”, No. 8/2021 from 26.01.2021).
- Law on Army of Montenegro („Official Gazette of Montenegro”, No. 51/2017 and 34/2019).
- Law on Civil Servants and Public Employees („Official Gazette of Montenegro”, No. 2/2018, 34/2019 and 8/2021).
- Law on Election of Councillors and MPs („Official Gazette of the Republic of Montenegro” No. 16/2000 - consolidated text, 9/2001, 41/2002, 46/2002, 45/2004 - decision of the Constitutional Court (CC), 48/2006, 56/2006 - decision of the CC, and “Official Gazette of Montenegro” No. 46/2011, 14/2014, 47/2014 - decision of the CC, 12/2016 - decision of the CC, 60/2017 - decision of the CC, 10/2018 - decision of the CC, and 109/2020 - decision of the CC.).
- Law on Electronic Media („Official Gazette of Montenegro “, No. 46/2010, 40/2011 – other law, 53/2011, 6/2013, 55/2016, 92/2017 and 82/2020 – other law).
- Law on Financing of Political Entities and Election Campaigns („Official Gazette of Montenegro”, No. 3/2020 and 38/2020).
- Law on Labour („Official Gazette of Montenegro “, No. 074/19 from 30.12.2019, 008/21 from 26.01.2021, 059/21 from 04.06.2021, 068/21 from 23.06.2021, 145/21 from 31.12.2021, 077/24 from 05.08.2024, 084/24 from 06.09.2024, 086/24 from 10.09.2024).
- Law on State Administration („Official Gazette of Montenegro”, No. 78/2018, 70/2021 and 52/2022).
- Law on the National Public Broadcaster – Public Broadcasting Service of Montenegro („Official Gazette of Montenegro”, No. 60/2024” from 24.06.2024).
- Magnus Ohman, Abuse of State Resources, Washington, D.C., IFES, 2011
- Preventing and responding to the misuse of administrative resources during electoral

process – Joint Guidelines by the Venice Commission and OSCE/ODIHR, available at: https://www.venice.coe.int/images/GBR_2016_Guidelines_resources_elections.pdf

- Unfair Advantage: The Abuse of State Resources in Elections, available at: <https://electionjudgments.org/en/entity/y4rh0wsq6e?page=1>
- United Nations Convention against Corruption (UNCAC), available at: <https://star.worldbank.org/publications/united-nations-convention-against-corruption>
- Venice Commission & OSCE/ODIHR Guidelines on Media Analysis During Election Observation Missions, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2009\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)031-e)
- Venice Commission Code of Good Practice in Electoral Matters, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)023rev2-cor-e)
- Venice Commission Code of Good Practice in the Field of Political Parties, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2009\)021-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2009)021-e)
- Venice Commission Report, CDL-AD(2013)033, available at: <https://www.venice.coe.int/webforms/documents/?pdf=CDL-A>

CIP - Каталогизација у публикацији
Национална библиотека Црне Горе, Цетиње

ISBN 978-9911-556-32-5
COBISS.CG-ID 32129284

