



Office for Democratic Institutions and Human Rights

# MONTENEGRO

## PRESIDENTIAL ELECTION

15 April 2018

### ODIHR Election Observation Mission Final Report



Warsaw  
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**MONTENEGRO  
PRESIDENTIAL ELECTION  
15 April 2018**

**ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an official invitation to observe the 15 April presidential election and based on the findings and conclusions of the Needs Assessment Mission deployed from 15 to 19 January, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 7 March. The mission assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as with national legislation. For election day, ODIHR EOM joined efforts with delegations from the Parliamentary Assembly of the Council of Europe and the European Parliament to form an International Election Observation Mission (IEOM). The ODIHR EOM remained in the country until 25 April to follow post-election day developments.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 16 April, stated that “fundamental freedoms were respected in the 15 April presidential election, although the candidate nominated by the governing party held an institutional advantage. Candidates campaigned freely and the media provided the contestants with a platform to present their views. The lack of analytical reporting and the absence of the frontrunner in the televised debates, reduced voters’ opportunity to make an informed choice. The technical aspects of the election were adequately managed, although the transparency and professionalism of the State Election Commission (SEC) remain issues of concern. Election day proceeded in an orderly manner despite a few procedural irregularities observed.”

The legal framework overall provides a sound basis for the conduct of democratic elections. However, omissions and ambiguities in the legal framework, such as the lack of regulations on verification of supporting signatures and sanctions for violations, dispute resolution procedures, tabulation of results, and campaign finance, undermined the integrity of the electoral process. Attempts by the SEC to clarify some aspects of the legislation through instructions and decisions lacked consistency.

The SEC met most of the legal deadlines but lacked transparency as decisions were not published and its sessions were not open to the media. Although SEC sessions were regular, insufficient preparation often rendered the sessions chaotic and resulted in discussions that were not always structured and lacked necessary information. Deficiencies in the management of the SEC sessions led to lack of clear instructions on some aspects of election day procedures, verification of supporting signatures, election dispute resolution and appointment of PB members by the Municipal Election Comissions (MECs).

The election law does not contain provisions on impartiality and professionalism of election management bodies, and several SEC opposition members and representatives of media and citizen observers expressed concerns that decisions were made along party lines. MEC sessions were mostly open for observers and some MECs posted decisions.

The voter list was closed 10 days before election day, and the SEC announced that the total number of voters was 532,599. The accuracy of the voter list continued to be a concern among many ODIHR EOM

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Montenegrin.

interlocutors, including opposition parties and civil society organizations, who alleged that it contains and deceased voters and those living abroad. However, no evidence of such practices was produced and no complaints were filed.

Seven candidates, six men and for the first time a woman, ran in this election. Although candidate registration was impaired by procedural irregularities, it was inclusive and all candidates who submitted nomination documents were registered by the SEC.

The campaign started three weeks before election day and the activities of the candidates were generally low-key. Many IEOM interlocutors from the opposition and civil society groups voiced concerns about the institutional advantage enjoyed by the candidate nominated by the governing party which holds the power for the last 27 years. Recurrent and at times credible allegations of pressure on voters to support the ruling party candidate had a negative impact on the campaign environment. Such practices are at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document and Council of Europe Venice Commission Code of Good Practice in Electoral Matters (Code of Good Practice).

Candidates could use public and private funds for campaigning, and receive monetary and in-kind donations from individuals and legal entities. Candidates predominantly spent the funds on campaigning in the media. The Agency for the Prevention of Corruption supervises compliance with campaign finance regulations and initiates sanctioning proceedings for breaches.

The media monitored by the ODIHR EOM provided candidates sufficient opportunities to address voters, but a lack of analytical reporting marked their election coverage. The public broadcaster fulfilled its duties to provide candidates with free airtime; in addition, it organized interviews with candidates and aired two debates, but the candidate nominated by the governing party did not attend the debates. The monitored private media were aligned along political lines. With no legal limits on the amount of paid advertising, candidates who could afford purchasing more airtime had an advantage. The Agency for Electronic Media did not receive any media-related complaints.

Voters, candidates, and the entities who nominate them may challenge actions and decisions of election commissions at higher-level commissions. Restrictive deadlines, inconsistent and politically motivated decisions, and the overly formalistic approach instead of considering complaints based on substance, did not ensure effective remedy during the dispute resolution and further undermined the credibility and effectiveness of legal redress. In practice, election dispute resolution depends on the discretion of different public authorities, which at times failed to ensure effective legal redress, at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document and Code of Good Practice.

Election day generally proceeded in an orderly manner despite a few procedural irregularities observed. Voting and counting were assessed positively in almost all polling stations observed. The tabulation process was assessed positively in all 22 MECs observed. IEOM observers, however, reported indications of vote buying and the use of lists to track which voters had already voted, and MECs received six complaints alleging such violations. For the first time, the SEC made polling station results available online in real time.

This report offers a number of recommendations to support efforts to bring elections in Montenegro closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the need of reform of the election-related legal framework, strengthening the independence and professionalism of the election administration and media. ODIHR

stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an official invitation to observe the 15 April presidential election and based on the findings and conclusions of the Needs Assessment Mission deployed from 15 to 19 January, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 7 March. The mission assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as with national legislation. For election day, ODIHR EOM joined efforts with delegations from the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). The ODIHR EOM remained in the country until 25 April to follow post-election day developments. Jonas Gunnarsson headed the PACE delegation, Fabio Massimo Castaldo headed the EP delegation and Tana de Zulueta was the Head of the ODIHR EOM. Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation.

The ODIHR EOM included 11 experts in the capital and 16 long-term observers deployed throughout the country. On election day, 152 observers from 39 countries were deployed, including 97 long-term and short-term observers deployed by the ODIHR, as well as a 17-member delegation from the PACE and a 13-member delegation from the EP. Opening was observed 50 in polling stations and voting was observed in 519 polling stations across the country. Counting was observed in 47 polling stations, and the tabulation in all 23 Municipal Election Commissions (MECs).

The observers wish to thank the authorities for their invitation to observe the elections, and the State Election Commission and the Ministry of Foreign Affairs for their assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

## III. POLITICAL CONTEXT

On 19 January 2018, the president of parliament called the presidential election for 15 April. According to the Constitution the legislative powers are exercised by the parliament, the executive powers by the Government and the judicial by courts.<sup>2</sup>

This was the third presidential election since independence in 2006. The incumbent president, Filip Vujanović, could not run for re-election. In the most recent 2016 parliamentary elections, the Democratic Party of Socialists (DPS) won 36 out of 81 seats and, with the support of four other parties, maintained the majority it has enjoyed since 1991.<sup>3</sup> Following the elections, opposition parties refused to accept the results and initiated a parliamentary boycott, which considerably limited the political dialogue and the

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<sup>2</sup> The President represents the country abroad, proposes candidates for prime minister, president and judges of the Constitutional Court and is supreme commander of the army.

<sup>3</sup> Social Democrats of Montenegro (SD) with 2 seats, and three parties and coalitions representing ethnic minorities: Bosniak Party (BS) 2 seats, the coalition Albanians Determined (AD) and Croatian Civil Initiative (HGI) with 1 seat each. Out of 81 members of the parliament, 19 are women.

oversight of government work.<sup>4</sup> In December 2017, the boycott impeded the adoption of several amendments to the electoral framework aimed at addressing previous ODIHR recommendations.

After the calling of the election, opposition parties held negotiations aimed at reaching a consensus on a joint presidential candidate. Notwithstanding the calls for unity, the Social Democratic Party (SDP) and United Montenegro (UCG) left the talks, and the opposition went fragmented to the election. On 5 March, SDP announced their own candidate, and UCG decided to support the joint candidate announced on 9 March by Democratic Front (DF), Democratic Montenegro (DCG), United Reform Action (URA) and Socialist People's Party (SNP).

The election took place against the background of renewed expectations for accession to the European Union (EU), continued debates on NATO membership, and ongoing discussions on the international alignment of the country.<sup>5</sup> The general security situation became a campaign issue after several non-election related violent incidents occurred in various locations across the country.<sup>6</sup>

#### IV. ELECTORAL SYSTEM AND THE LEGAL FRAMEWORK

The president is elected directly from a single nationwide constituency. If no candidate receives more than 50 per cent of the valid votes cast in the first round, the two candidates who received the highest number of votes compete in a second round two weeks later. The term of office is limited to two consecutive five-year terms.

Montenegro is party to the major international and regional instruments on democratic elections, and is a member of the Council of Europe Venice Commission and Group of States against Corruption (GRECO).<sup>7</sup> In line with the EU accession requirements, the country is aligning its legislation with the EU *acquis* and the advancement of accession negotiations is contingent on the progress in achieving the rule of law chapters' benchmarks.<sup>8</sup>

The legal framework regulating presidential election remains uncodified and consists of the Constitution, the Law on Election of Councillors and Representatives (election law), the Law on Election of the President (LEP), the Law on Financing of Political Entities and Election Campaigns, other relevant

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<sup>4</sup> Democratic Front (DF), Democratic Montenegro (DCG), Social Democratic Party (SDP), Socialist People's Party (SNP), Demos, and United Reform Action (URA), with a combined total of 39 seats supported the boycott. In December 2017, 20 members from DF and the newly created United Montenegro (UCG) – a split from Demos – returned to the parliament although they do not participate in the legislative process.

<sup>5</sup> The EU strategy for enlargement published in February offers prospective accession by 2025. On 17 April the EU released its [2018 Communication on Enlargement Policy \(progress report\)](#), which states that “Montenegro continued to broadly implement the Stabilization and Association Agreement” but also notes that “the political scene remains fragmented, polarized and marked by lack of political dialogue, notably in the democratic institutions”.

<sup>6</sup> Several explosions and shootings related to criminal activities, according to the police, took place in Podgorica, Bijelo Polje and Berane in the weeks before the election, resulting in at least three fatalities.

<sup>7</sup> This includes the 1948 Universal Declaration of Human Rights, 1966 International Covenant on Civil and Political Rights (ICCPR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 2006 UN Convention on the Rights of Persons with Disabilities (CRPD), 2003 Convention against Corruption and 1950 European Convention on Human Rights.

<sup>8</sup> See also [the 2018 European Commission Progress Report on Montenegro. 2018 Communication on EU Enlargement Policy. Strasbourg, 17.4.2018 SWD \(2018\) 150 final.](#)

legislation,<sup>9</sup> and the State Election Commission (SEC) instructions. The law overall provides a sound basis for the conduct of a democratic election, however a number of restrictions on voter and candidate rights are contrary to the OSCE commitments and other international obligations and standards and good practice on democratic elections (*See Voter Registration and Candidate Registration*).

Recent amendments to the legal framework partly incorporated some ODIHR and Venice Commission recommendations signalling a general willingness to engage in electoral reform. The Parliamentary Working Group on implementation of the ODIHR recommendations was comprised entirely of the ruling coalition representatives, the requests by civil society to participate in its work were rejected, and the amendments submitted to the parliament were exempt from public scrutiny.<sup>10</sup> The amendments were adopted in a hasty manner that failed to ensure effective public consultations, at odds with OSCE commitments and other international obligations and standards.<sup>11</sup>

The adopted amendments included measures for protecting the privacy of voters by restricting access to and copying of personal data from the electoral register. However application of the conflicting election law norms allowed wide circulation of copies of the voter lists.<sup>12</sup> Attempts to strengthen campaign finance regulation by imposing additional reporting obligations and the requirement to disclose sponsors of campaign advertisement in the media were undermined by deficient implementation and lack of effective control mechanisms. Moreover, a more comprehensive package of electoral reforms failed due to the lack of the necessary two-thirds majority in the parliament.<sup>13</sup>

Remaining omissions and ambiguities in the legal framework, including the lack of comprehensive SEC instructions and decisions, undermined the cohesion and integrity of the electoral process. This includes the lack of regulations on verification of supporting signatures and sanctions for violations, liability of candidates and their proxies for the veracity of campaign-related documentation, dispute resolution procedures, tabulation of results, and deficiencies in campaign finance law. In line with international good

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<sup>9</sup> The Law on Voter Register, the Law on Political Parties, the Law on Public Assemblies and Public Events, laws on media, the Law on Free Access to Information, the Law on the Constitutional Court, the Criminal Code, the Law on General Administrative Procedures, the Law on Administrative Disputes, the Law on Misdemeanours, etc.

<sup>10</sup> The Working Group functioned from October to December 2017 and the amendments were adopted in late December 2017, some four months before the presidential election. The nine-member Working Group included seven representatives of DPS, one of the Albanians Decisively and one SD member. The participation requests were filed by Dr Božidar, Prof. Blažić, LL.D. and Mr. Miličković. The public was allowed 15 days to provide opinion on implementation of the ODIHR recommendations. An attempt by opposition MPs to initiate an expedited constitutional assessment of the amendments to the Law on Voter Register prior to election was unsuccessful.

<sup>11</sup> Paragraph 5.8. of the [1990 OSCE Copenhagen Document](#) provides that legislation will be adopted at the end of a public procedure. Under [Article 25 of the ICCPR](#) citizens are entitled to participate directly in the conduct of public affairs. [The Human Rights Committee General Comment No 25](#) interprets this right to include participation in the exercise of legislative powers and formulation of policies. Paragraph 18.1. of the [Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE](#) requires that “legislation [shall be] formulated and adopted as the result of an open process reflecting the will of the people” See also the [2017 Council of Europe Guidelines for Civil Participation in Political Decision Making](#), and the OECD Handbook “Citizens as Partners: OECD Guide to Information, Consultation and Public Participation in Policy-Making.”

<sup>12</sup> The election law provision that entitles political parties to receive copies of voter lists from MECs is in conflict with the Law on Voter Register and the Law on Personal Data Protection. Requests by DF and DPS for copies of the VLS were granted by MECs in Kolasin, Bijelo Polje, Mojkovac, Budva, Bar and Andrijevica .

<sup>13</sup> At the time the amendments were proposed, the opposition was boycotting the work of parliament. The draft amendments would introduce campaign start date, allow voters to support the nomination of several candidates, limit decision-making powers of candidates’ authorized representatives, increase gender quota on candidate lists, and oblige MECs and the SEC to publish disaggregated election results, in line with previous ODIHR recommendations. See all previous [ODIHR reports on Montenegro](#).

practice, these issues should preferably be regulated by statutory provisions.<sup>14</sup>

*Comprehensive and inclusive review of the electoral legal framework should be considered to regulate all key aspects of the election process, address omissions and to harmonize provisions from different election laws to avoid legal collision. All amendments should be adopted in broad and inclusive public consultation well in advance of the next election.*

## V. ELECTION ADMINISTRATION

The election is conducted by a three-tier election administration, comprising the SEC, 23 MECs and 1,214 Polling Boards (PBs). The SEC and MECs are permanent bodies with a four-year term while the PBs are appointed ahead of each election.

The SEC chairperson and its 10 members are appointed by the parliament, while the MECs have a chairperson and four members appointed by municipal assemblies.<sup>15</sup> The PBs are formed no later than 10 days before election day and are composed of a chairperson and four members nominated by the political parties.<sup>16</sup> Presidential candidates can nominate authorized representatives to all levels of the election administration with the right to participate in the work and decision-making 20 days before election day.<sup>17</sup> This right was exercised by six out of seven candidates at the SEC and four candidates at MEC level. Two SEC members and six MEC chairpersons are women.

The SEC met most of the legal deadlines and managed the operational arrangements for the election. It held regular sessions, but insufficient preparation often rendered the sessions chaotic and resulted in discussions that were not always structured and lacked necessary information.<sup>18</sup> Deficiencies in the management of the SEC sessions led to lack of clear instructions on some aspects of election day procedures including on verification of signatures, election dispute resolution and appointment of PB members by the MECs. Despite the legal authority of the SEC to issue instructions and rules to regulate certain areas of the elections and clarify the electoral law the SEC did not consistently exercise this power.

*In order to ensure consistency, the SEC should exercise its legal authority to promulgate clear and consistent instructions and regulations to address gaps in the electoral law.*

Despite previous ODIHR recommendations, the election law does not contain any provision on

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<sup>14</sup> Section II.2.a of the [Code of Good Practice](#) provides that “apart from rules on technical matters and detail – which may be included in regulations of the executive – rules of electoral law must have at least the rank of a statute.”

<sup>15</sup> The majority and the opposition in the parliament each propose four SEC members, the minority representative who won the highest number of votes in the previous elections proposes one member and one member is a representative from the civil society. The position for the representative of civil society has been vacant since November 2016 until after the 25 April 2018 Elections. While the composition of the MECs allows for a broad representation of political parties, it does not provide for national minority representation, as previously recommended by ODIHR and the Venice Commission.

<sup>16</sup> The majority and opposition parties in the municipal assemblies each appoint two PB members and the chairperson positions are split proportionally to the seats held in the municipal assemblies.

<sup>17</sup> Authorized representatives to the PB can participate five days before election day.

<sup>18</sup> The SEC has a secretariat comprised of 11 staff. However, the procedures under which the secretariat operates are insufficiently detailed in the internal Organization and Systematization rulebook. According to the election law, the SEC President and the Secretary are in charge of the administrative and operational matters. In addition, internal SEC regulations task the Secretary with preparing sessions, providing materials and managing the service staff.



impartiality and professionalism of election management bodies.<sup>19</sup> SEC members made decisions along political lines, before and after the election day. In addition, SEC permanent and extended members from the opposition failed to attend the session where a complaint submitted by the opposition candidate challenging the election results was to be heard, resulting in a lack of quorum. To respect the legal deadline for adjudication of complaints, the SEC decided to conduct the session with the six present members without the legally required quorum (*see Complaints and Appeals section*).<sup>20</sup>

*The SEC should operate and adopt its decisions with the legally required quorum. Additional measures to safeguard integrity, impartiality and professionalism of the election administration could be taken to avoid politicization of decision-making. The role of authorized representatives at all levels of election administration needs to be clarified and consideration given to limiting their involvement in decision-making.*

The SEC suffered from a lack of transparency as decisions and minutes were not published on its website and sessions were not open to the media despite existing legal obligations. The transparency of the work of the MECs varied. Sessions were regularly held and were mostly open for observers, but were often informal.<sup>21</sup> The MECs have a legal obligation to open a website and provide information to the public. Although some MEC posted decisions, others did not share information with the public on their websites.<sup>22</sup>

*To increase transparency and to earn public trust, SEC should allow access of media to all its meetings. The SEC and MECs should publish all relevant documents and decisions on their websites in a timely manner.*

The SEC trained personnel who subsequently trained PB members on election day procedures. Training materials were provided in Montenegrin and, in some cases, Albanian languages. The training sessions observed by the ODIHR EOM were generally evaluated positively at all levels. However, the law continues to give the right to political parties to replace PB members until 12 hours before the opening of polling stations. Many PB members were replaced closer to election day with mostly non-trained staff. This provision created challenges for the regular functioning of the MECs and the PBs and needs to be lifted.

The voter information campaign conducted by the SEC consisted of two videos broadcast by public and private televisions, flyers distributed through newspapers and posters. Printed materials were available also in Albanian language, and the videos were prepared only in Montenegrin.

## VI. VOTER REGISTRATION

Voter registration is passive. The voter list is permanent and centrally maintained by the Ministry of Interior (MoI) based on information from four different registers.<sup>23</sup> Citizens with legal capacity who turn

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<sup>19</sup> Section II.3.1 of the [Code of Good Practice](#) states that “only transparency, impartiality and independence from politically motivated manipulation will ensure proper administration of the election process, from the pre-election period to the end of the processing of results.”

<sup>20</sup> The election law and SEC Rules of Procedures require that SEC can operate and make a decision if more than half of the members are present (in its extended composition which includes the representatives of the contestants).

<sup>21</sup> The MEC in Bar did not always allow LTOs to observe sessions.

<sup>22</sup> MEC in Gusinje did not open a website and the MEC in Kolasin did not post information related to this election.

<sup>23</sup> Registers for citizenship, residence, birth and death.

18 by election day have the right to vote. Those declared legally incapacitated by a court decision are deprived of the right to vote, a restriction that is at odds with OSCE commitments and other international obligations and standards.<sup>24</sup> The Constitution guarantees citizens the right to vote if they have resided in the country for two years prior to election day, and the election law further restricts the right to vote only to those who were residents for the last two years immediately before election day.<sup>25</sup> ODIHR and the Venice Commission have previously criticized the residency requirement as not being in line with international standards.<sup>26</sup>

*The residency and legal competence requirements for voting should be reviewed in line with the international obligations and good practice to allow for broader participation in the elections.*

Public scrutiny of the voter list started on 21 January and ended on 31 March. During this period, citizens could make requests for corrections in their data on the MoI website or in person at municipal offices.<sup>27</sup> A total of 12,282 requests for corrections were made including 1,353 requests to change residence.

Political parties and accredited citizen observer groups have the right to inspect the voter lists at the office of the MoI upon request.<sup>28</sup> On 2 April, the Centre for Democratic Transition (CDT) requested that the MoI check a separate fingerprint database against the data in the voter list to determine if a fingerprint could be linked to several identification documents, which would allow for multiple voting. The MoI ran a crosscheck between the databases and 89 voters' fingerprints were linked to several identification documents. According to the MoI, the voters were allowed to vote and the investigation is ongoing. The voter list was closed 10 days before election day and the SEC announced that the total number of voters was 532,599.

Despite efforts by the MoI to increase the transparency of the voter lists by conducting cross checks, publishing data on-line and issuing messages to the public with information about the voter list verification and location of polling stations, the accuracy of the voter list continued to be a concern among many ODIHR EOM interlocutors. Despite the use of Electronic Voter Identification Devices (EVID) to identify voters' documents on election day, opposition parties and civil society organizations alleged that the voter list contains deceased voters and those living abroad.<sup>29</sup> However, no evidence of such practices was produced to the ODIHR EOM and the public and no complaints were filed.

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<sup>24</sup> Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) commits participating States to “guarantee universal and equal suffrage to adult citizens”. Deprivation of the right to vote on the basis of legal incapacity is also inconsistent with Articles 12 and 29 of the 2006 [Convention on the Rights of Persons with Disabilities](#) (CRPD). Paragraph 9.4 of the [2013 CRPD Committee’s Communication No. 4/2011](#) provides that “an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability.”

<sup>25</sup> The law does not allow for out of country voting.

<sup>26</sup> See previous [ODIHR reports on Montenegro](#). Paragraph I.1.1.c.iii of the [Code of Good Practice](#) states that a length of residence requirement may be imposed on nationals solely for local or regional elections. See also ODIHR and Venice Commission 2011 Joint Opinion on the Draft Law on amendments to the law on Election of Councillors and Members of Parliament.

<sup>27</sup> Individuals or their authorized representatives can submit requests for corrections.

<sup>28</sup> Two organizations have requested insight into the voter register; Centre for Democratic Transition (CDT) and MANS.

<sup>29</sup> Voters living abroad cannot be removed from the voter list if they maintain a residence in the country.

## VII. CANDIDATE REGISTRATION

Voters with residence in the country for at least 10 of the last 15 years are eligible to stand. Political parties and citizens' groups nominating presidential candidates must collect supporting signatures from at least 1.5 per cent of the electorate. This is not in line with established good practice which states that required signatures should not exceed one per cent of the electorate.<sup>30</sup> Despite previous ODIHR recommendations, the election law still requires each voter to sign in support of only one presidential candidate which could limit political pluralism.<sup>31</sup>

*As previously recommended, consideration could be given to remove the restriction to sign in support of only one candidate and to limit the number of support signatures required to stand for office to no more than one per cent of the total electorate.*

The candidate registration process started on 19 January and ended on 26 March. In an attempt to improve transparency, on 12 March the SEC introduced an online application allowing voters to check if their names appeared on a signature support list. A number of media and some candidates criticized the SEC because the application was introduced after three candidates had already been registered. On 16 March, a candidate requested the SEC to provide him with the official decision on development and use of the application. The SEC rejected the request as, despite a public announcement by the SEC, there was no written decision or instructions on the use of the application.

Numerous voters discovered through the SEC online application that their signatures were forged in support of some candidates.<sup>32</sup> Over 1,000 complaints alleging forged signatures were filed with the prosecutor's office. In addition, voters' requests to have their personal data deleted from the SEC database or to have their signatures withdrawn were rejected. (*See Complaints and Appeals*)

The legal framework does not contain sanctions for falsification of documentation for candidacy registration, nor does it detail the procedure the SEC should follow in such a situation. The lack of legal clarity and the late introduction of the application was at odds with international good practice which requires that the rules for verification of signatures be applied fairly and equally to all parties.<sup>33</sup>

*The law should be amended to include clear instructions for signature verification, reasonable timeframe for the review of signatures and adequate sanctions for violations.*

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<sup>30</sup> See paragraph I.1.3.ii of the [Code of Good Practice](#) which states that "The law should not require collection of the signatures of more than 1 per cent of voters in the constituency concerned."

<sup>31</sup> Paragraph 3 of the [1990 OSCE Copenhagen Documents](#) states that the OSCE participating States "recognize the importance of pluralism with regard to political organizations." See also Paragraph 77 of the [OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) which recommends that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

<sup>32</sup> Candidates Marko Milačić, Hazbija Kalač, Vasilije Miličković and Dobrilo Dedeić.

<sup>33</sup> See paragraph I.13.iii of the [Code of Good Practice](#), "Checking of signatures must be governed by clear rules, particularly concerning deadlines"; Paragraph 77 of [ODIHR and Venice Commission Guidelines on Political Party Regulation](#), states that "While lists of signatures can be checked for verification purposes, this practice can be abused and as such should be carefully regulated, including concerning the publication of lists and who has standing to present challenges to them. If verification is deemed necessary, the law should clearly state the process for such verification and ensure it is fairly and equally applied to all parties."

Seven candidates, six men and one woman, ran for this election. The candidate registration, although impaired by some procedural challenges that cast doubts on the process, was inclusive and the SEC registered all candidates who submitted nomination documents.<sup>34</sup>

## VIII. THE ELECTION CAMPAIGN

During the campaign, fundamental freedoms of assembly, movement and association were respected, although the candidate nominated by the governing party held an institutional advantage. The authorities granted access to public places on an equal basis, and contestants were able to campaign without restrictions. A number of ODIHR EOM interlocutors viewed the upcoming local elections as more important than the presidential election.<sup>35</sup>

Most candidates started campaigning three weeks before election day and their activities were generally low-key. The campaign ended 24 hours before election day. Candidates could start campaigning once their registration was approved by the SEC. However, the law does not determine when the electoral campaign officially begins, thus causing confusion as to when campaign regulations apply. This lack of definition blurs the timeframe for the oversight of campaign finance, for imposing restrictions on public officials for campaigning, or for granting equal access of candidates to purchase advertisements on private media. Furthermore, it allows for early campaigning, in the absence of a sanctioning mechanism.<sup>36</sup>

*As previously recommended, consideration should be given to amending the election law to clearly define when the official campaign period starts.*

The campaign focused on the topics of combatting corruption and organized crime, as well as rule of law and EU integration, while the opposition also criticized the long-term ruling of the governing party. Other messages conveyed by the candidates referred to employment, foreign investments, migration, security, and local and municipal issues. Nevertheless, most campaigning focused on personalities rather than political platforms or policies of the candidates. Although the tone of the campaign was largely respectful, candidates occasionally used discriminatory, offensive or nationalistic rhetoric.<sup>37</sup>

The campaign was mostly visible through a significant number of billboards in urban centers, predominantly featuring the ruling party candidate, and to a lesser extent other candidates. Rallies and meetings with voters, door-to-door canvassing, advertisements in traditional media, and campaigning in

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<sup>34</sup> Mr. Vasilije Miličković, nominated by a Citizen Action Group; Mr. Hazbija Kalač, nominated by the Party of Justice and Reconciliation (SPP); Mr. Marko Milačić, nominated by True Montenegro (PCG); Ms. Draginja Vuksanović, nominated by SDP, Mr. Dobrilo Dedeić, nominated by Serb Coalition; Mr. Milo Đukanović, nominated by DPS; and Mr. Mladen Bojanić, nominated by DF, DCG, URA, SNP.

<sup>35</sup> Local elections took place in 11 municipalities, including Podgorica, on 27 May.

<sup>36</sup> Marko Milačić and Draginja Vuksanović held campaign activities after having announced their intention to contest as candidates, but before being officially registered by the SEC.

<sup>37</sup> On 24 March during a rally in Bijelo Polje and on 3 April in Herceg Novi, Mr. Milačić exclusively addressed voters who identify themselves as Serbs but did not use inflammatory or xenophobic language. On 2 April, Mr. Dedeić made use of his free air time on the public television to talk about what he described as “aggressive LGBT propaganda”, defining homosexuality as “infection of the soul, which is a combination of depression, suicidal tendency and deviance.” On 7 April, Mr. Đukanović, used terminology (CetnikVojvoda) for one of his opponents which was considered as offensive and discriminatory. In several rallies, speakers referred to Mr. Đukanović as criminal, thief, and chief of the mafia organization.

social networks also took place. Only Mr. Đukanović held large scale rallies with abundant promotional materials, while all other candidates organized mostly small-scale events.<sup>38</sup>

Many IEOM interlocutors from opposition and civil society groups voiced concerns about the institutional advantage enjoyed by the candidate of the governing party after 27 years in power. There is a public perception that DPS structures have merged and coexist with those of the public administration, conferring the ruling party undue advantage.<sup>39</sup> The IEOM received widespread allegations of public employees being hired during the election period despite the restriction on doing so, pressures on employees to attend rallies, vote-buying and collecting identification documents to prevent voters from voting. These recurrent and at times credible allegations of pressure on voters, especially on private and public sector employees, to support the ruling party candidate negatively affected the campaign atmosphere.<sup>40</sup>

*The authorities should promptly and thoroughly investigate all allegations of electoral violations and, in conjunction with the political parties, should undertake measures to discourage vote-buying and to prevent pressure on citizens to participate in the campaign events or to influence their vote.*

Women were present at a majority of campaign events, but always in smaller numbers than men, both as speakers and as part of the audience. Only Ms. Vuksanović gave some attention on her platform to issues related to gender equality or women's participation in public life.

During rallies, candidates often referred to national minorities in an inclusive manner. Parliamentary national minority parties publicly announced their support for Mr. Đukanović as part of the ruling coalition agreement, and committed to mobilize their voters. However, their participation in the campaign remained limited.<sup>41</sup>

## IX. CAMPAIGN FINANCING

The Law on Financing of Political Entities and Election Campaigns provides for public and private funding of election campaigns.<sup>42</sup> Candidates can receive monetary and in-kind donations from individuals

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<sup>38</sup> The ODIHR EOM observed 27 campaign rallies throughout the country.

<sup>39</sup> In this regard, the [EU Progress Report](#) published on 17 April assessed that “strong political will is still needed to effectively address the de-politicization of the public service.”

<sup>40</sup> On 4 April, Milo Đukanović held a rally in the Secondary Maritime School in Kotor, while, according to the law, campaigning in the educational institutions is forbidden. On 12 April, the political party Demos presented an email with a table containing personal data of 58 public employees from the Centre for Conservation and Archaeological Research in Cetinje, including their supposed political affiliation. According to Demos, the list was meant to be used for pressuring these persons and control their vote. A criminal investigation was launched and is ongoing. In Bijelo Polje, Kolašin and Mojkovac the employment agency outsourced the “Public Work Project” through various local NGOs, offering seasonal jobs during the election period. Other allegations related to vote buying, pressure on voters and abuse of state resources were reported by ODIHR EOM LTOs in Podgorica, Berane, Bar, Pljevlja, Plav, Bijelo Polje, and Rožaje before the election day.

<sup>41</sup> The BS and the parties representing the Albanian community participated at rallies as speakers and as part of the audience, displaying flags and party symbols.

<sup>42</sup> The state allocated EUR 594,999 of public funds for the campaign. Twenty per cent of the public funding was distributed equally among all candidates but the funds were not transferred within the legal deadline. The remaining 80 per cent is proportionally distributed among the candidates who receive more than 3 per cent of votes after submission of the final reports. Only three candidates are entitled to receive the second instalment.

and legal entities.<sup>43</sup> The limit for contributions from individuals is EUR 2,000 and from legal entities EUR 10,000. Contributions from anonymous donors, trade unions, religious communities, non-governmental and state-funded organizations, as well as foreign sources are forbidden.

There is no distinction between contributions received from political parties and other legal entities. Some candidates received loans from parties, despite the legal restriction on credits from other sources than financial institutions.<sup>44</sup> All transactions must be conducted through a dedicated account, but the law does not clearly define when it has to be opened.

*Gaps and ambiguities in the law regarding the use of loans and party resources to finance the election campaign should be addressed. The timeframe for opening the campaign bank account could also be installed by the law.*

The Agency for Prevention of Corruption (APC) is tasked with the overall supervision of campaign finance regulations and can initiate sanctioning proceedings for breaches. It conducts monitoring and field inspections during the campaign, but the control remains formalistic and limited due to the limited capacities, as the review is primarily based on the documentation submitted by the candidates. The APC failed to proactively react to breaches of campaign finance regulations and did not issue warnings or initiate sanctioning procedure against candidates reporting incorrect figures on expenditure.<sup>45</sup>

*Further measures could be taken to guarantee independence and strengthen the capacities of the APC with a view to ensure effective implementation of the law. APC should develop sound methodology for inspection of financial activities of the contestants during the campaign.*

All candidates reported on their personal finances, including income and property, within 15 days of their registration to the APC. Reports on donations were submitted in a timely manner every 15 days, and interim reports on expenses were filed five days prior to election day. APC published the interim reports online, but poor quality scanned copies impeded a proper disclosure of the data and curtailed transparency. Final reports were submitted 30 days after the election. Candidates received private donations predominantly from individuals, and to a lesser amount from legal entities, but did not report in-kind donations. Contestants mostly spent the funds on media advertisement, billboards, and goods and services for organizing public events.<sup>46</sup> In general, provided information lacked clarity and consistency. The insufficiently detailed templates further undermined the quality of the reports.

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<sup>43</sup> In-kind donations must be reported according to the market value. The law requires the Agency for the Prevention of Corruption (APC) to determine the methods for calculating and reporting them, but it did not provide any regulation.

<sup>44</sup> There is no legal obligation to inform about loans in the interim reports. Although the law states that candidates may only raise funds from private sources during the election campaign, the loans came from membership fees and other regular income of the parties. Mr. Bojanić received EUR 150,000 from the parties nominating him, Ms. Vuksanović EUR 50,000 from SDP. Parties and candidates indicated that the loans will be reimbursed with the second instalment of public funds.

<sup>45</sup> For example, in the interim report of Mr. Đukanović only two media companies were mentioned, whilst the APC media monitoring established the use of other outlets. Furthermore, the amount reported on advertisement in *Pink M Tv* was approximately seven times lower than the airtime purchased under the official price list. Mr. Dedeić alleged having spent approximately two-thirds of all public funds on the salaries of three team members. Many ODIHR EOM interlocutors from civil society organizations and political parties stated that oversight body is politicized and does not fulfill its broad responsibilities in an objective manner.

<sup>46</sup> The expenditure limit for this election is EUR 1,189,998 per candidate. Based on the final reports submitted to the APC, the candidates spent the following amounts: Mr. Đukanović EUR 527,434.22; Mr. Bojanić EUR 187,421.51; Mr. Milacić EUR 46,350.64; Ms. Vuksanović EUR 87,856.22; Mr. Miličković EUR 20,499.98; Mr. Kalač EUR 21,199.98; and Mr. Dedeić EUR 18,078.03.

*The reporting templates should be itemized to provide for a clear distinction between different categories of expenses, including types of advertisements and to be published in a user-friendly format. Consideration could be given to developing guidelines on calculation of in-kind contributions.*

## X. THE MEDIA

### A. MEDIA ENVIRONMENT

The media sector is pluralistic and offers content diversity, but the lack of financial autonomy fosters political dependence and results in polarization of media reporting. Due to the small advertising market, most media rely on state funds, corporate owners, or international aid. Selective and non-transparent distribution of advertisements from public institutions which is allocated to some media was raised as a concern by several ODIHR EOM interlocutors.<sup>47</sup> Television is still the primary source of news. Internet usage is growing and online media have a wider reach than print media.<sup>48</sup>

*Whilst public support for the media can enhance pluralism, a transparent and non-discriminatory allocation of state advertising funds should be required. Alternative forms of indirect subsidies, such as tax benefits, or direct subsidies based on objective criteria and conditions may be considered.*

The public broadcaster (*RTCG*), funded from state budget, runs three television channels and two radio stations.<sup>49</sup> Despite legal guarantees of independence, the public broadcaster is not exempt from political influence. At the end of 2017, in controversial decisions, the parliament replaced two members of the *RTCG* Council and one member of the media regulator, the Agency for Electronic Media (AEM), due to alleged conflicts of interest.<sup>50</sup> At its first meeting on 20 March, the new *RTCG* Council replaced its president. These early dismissals directly challenged the autonomy and independence of *RTCG* and of the AEM. The decisions appeared disproportionate to the gravity of violations that could be remedied by resolving the conflicts of interest.<sup>51</sup> The OSCE Representatives on Freedom of the Media (RFoM) underlined the importance of safeguarding the independence of the public broadcaster.<sup>52</sup>

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<sup>47</sup> The [EU 2016 Progress Report](#) also notes these concerns and recommends that “transparency and non-discrimination in state advertising in the media should be ensured.” The Council of Europe (CoE) JUFREX [Media Sector Report](#) recommends that “all kind of State aid to media, including so-called state advertising, should be made transparent and rigorously objective.

<sup>48</sup> According to [CISR-IPSOS public opinion poll](#) of October 2017, 46 per cent of respondents considered television the dominant source of social and political news, 22 per cent online media, and 10 per cent newspapers.

<sup>49</sup> In addition to *RTCG*, the Agency for Electronic Media lists 17 local public broadcasters funded by municipalities, 13 private TV stations, and 35 private radio stations.

<sup>50</sup> The parliament dismissed the two members respectively on 23 November and 29 December, upon proposals of the Administrative Committee and based on findings of the Agency for Prevention of Corruption. Both dismissed members appealed their dismissals to the Constitutional Court, but the appeals were rejected.

<sup>51</sup> The EU and CoE JUFREX [Media Sector Report](#) questioned the easiness and discretion of early dismissals: “the easiness of dismissals of individual members, or the Council as a whole, indicates that the whole management structure, including the Editorial Board, is usually strongly tied and connected to political interests”. The [EU 2018 Progress Report](#) concluded that recent political interference in the *RTCG* and AEM Councils are a matter of serious concern, and that their independence needs to be protected against undue political pressure from any side.

<sup>52</sup> On 7 February 2018, the [OSCE RFoM stated](#) that “the *RTCG* has the responsibility to cover issues of public interest, to ensure that all voices can be heard fairly, and therefore it needs to remain free from any kind of political pressure.”

*To foster the independence of the RTCG and the AEM, council's members should be protected from undue influence from politics, and early dismissals should be permitted only in limited circumstances.*

While attacks on journalists have decreased in recent years, on 1 April a bomb exploded in front of the house of a journalist in Bijelo Polje, an act of intimidation police believed was linked to his professional activities but not to the election. Two persons were arrested and brought before the court.<sup>53</sup>

*Authorities should firmly condemn any attacks against journalists and foster measures to protect journalists and prevent impunity, including independent, speedy, effective investigations, and detailed and systematic data collection on threats against journalists.*

## **B. LEGAL FRAMEWORK FOR THE MEDIA**

The Constitution guarantees freedom of expression, freedom of the press, and explicitly prohibits censorship. The legal framework for the media includes the Media Law, the Electronic Media Law, the Law on Public Broadcasting Services, the Law on Free Access to Information, the Criminal Code, and the election law. The Criminal Code forbids hate speech that causes national, racial and religious hatred, divisions and intolerance. Recent amendments to the Electronic Media Law charge broadcasters to indicate the sponsors of political advertisements and task the Agency for Electronic Media (AEM) to cease the broadcasting of unlawful ads. The media legislation generally provides a sound framework for the freedom of the media.

The election law provides that voters have the right to be informed about political platforms of all candidates and the media must implement the principle of equality for all contestants. The election law prohibits the publication of opinion polls 15 days before election day, and sets a 24-hour election silence period. Paid political advertising is allowed on equal conditions and should be clearly marked as paid. The public broadcaster must offer extensive free airtime to candidates on an equal basis and organize debates.

The AEM and an ad hoc parliamentary committee are responsible for overseeing the media during elections, thus creating an overlapping jurisdiction on media-related matters. However, despite the legal requirement, the parliamentary committee was not established, due to the opposition boycott of the parliament. On 26 January, the AEM issued its rulebook on the rights and obligations of broadcasters during the presidential campaign. Candidates could lodge media-related complaints to broadcasters; a response is required within 24 hours. Appeals against broadcasters' decisions can be filed with the AEM, which also has a 24-hours response deadline. The AEM can issue warnings and temporarily or permanently suspend licenses, but lacks authority to impose intermediary financial sanctions. During the election campaign, the AEM did not receive any media-related complaints and did not notice any violations.

*Consideration could be given to granting the AEM more effective enforcement mechanisms to include intermediate financial sanctions, commensurate with the gravity of the offence committed. To avoid overlapping jurisdiction and ensure effective remedies, the AEM should be the only body responsible for supervising broadcasters during the elections.*

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<sup>53</sup> On 3 April, the OSCE Representative on Freedom of the Media (RFoM) issued a [statement](#) condemning the bomb attack outside a journalist's house. The [2017 IREX Media Sustainability Index report](#) reminded that "although 2016 had no significant cases of attacks on journalists, shadows linger from unsolved cases from the past and lead to self-censorship".





### C. ODIHR EOM MEDIA MONITORING

ODIHR EOM media monitoring showed wide election coverage in a variety of formats, including newscasts, talk shows, free and paid airtime, interviews and television debates.<sup>54</sup> Voters were informed of the political views of all competitors, but there was a noticeable lack of analytical reporting. The amount of paid and free airtime granted to the candidates overshadowed editorial content, diminishing the media's intermediary role. The monitored media respected the campaign silence period.

The *RTCG*, in accordance with the law, offered all candidates equal access to the free airtime, organized one-hour interviews with each candidate, and two debates. However, not all candidates took advantage of this opportunity. Mr. Bojanić, for example, applied for one third of the available free airtime, Mr. Đukanović did not attend any debates.<sup>55</sup> While *RTCG* devoted extensive free airtime to the candidates, and their coverage in the news was limited to less than an hour and mostly neutral in tone.<sup>56</sup>

The monitored private broadcasters showed bias. *Pink M Tv* and *Prva Tv* largely favoured Mr. Đukanović, with 80 and 66 per cent, respectively, of news coverage; the tone of coverage was mostly positive on *Pink M Tv* and neutral on *Prva Tv*. *Vijesti Tv* devoted 27 per cent of its news coverage to Mr. Đukanović, often negative in tone, and 20 per cent to Ms. Vuksanović, 18 per cent to Mr. Milačić, and 17 per cent to Mr. Bojanić, mostly neutral in tone. *AI Tv* devoted 49 per cent of news coverage to Mr. Đukanović in a neutral tone. The broadcast news coverage of Ms. Vuksanović, ranged between 6 per cent on *Pink M Tv* and 20 per cent on *Vijesti Tv*.

There are no legal limits on the amount of paid advertising on television, which led to an overwhelming amount of paid airtime on some private media.<sup>57</sup> Many broadcasters offered forms of discounts in their published price lists for advertising resulting in inequivalent rates, which challenged the legal requirement of equal conditions among contestants.<sup>58</sup> As a consequence, candidates who could afford purchasing more airtime had an advantage.<sup>59</sup>

<sup>54</sup> Between 12 March and 15 April, ODIHR EOM monitored political coverage of five television channels (*RTCG 1*, *AI Tv*, *Pink M Tv*, *Prva Tv*, and *Vijesti Tv*), daily between 18:00 to 24:00 hours; four newspapers (*Dan*, *Dnevne Novine*, *Pobjeda*, and *Vijesti*); and two online media (*cdm.me* and *portalanalitika.me*).

<sup>55</sup> In accordance with the law, the public broadcaster offered each candidate two daily 180-seconds reports on campaign activities and up to 200-seconds of free advertisements. However, candidates did not consistently take advantage of this opportunity. Hence, their coverage in the free airtime varied (Mr. Miličković 3 hours and 9 minutes, Ms. Vuksanović 1 hour and 56 minutes, Mr. Milačić 1 hour and 43 minutes, Mr. Dedeić 1 hour and 34 minutes, Mr. Đukanović one hour and 19 minutes, Mr. Bojanić 57 minutes, Mr. Kalač 49 minutes). Mr. Dedeić boycotted the debates due to Mr. Đukanović's refusal to take part in the debates

<sup>56</sup> *RTCG* in the news coverage devoted 30 per cent to Mr. Đukanović, 19 to Mr. Miličković, 16 to Mr. Bojanić, 15 to Mr. Milačić, 11 to Ms. Vuksanović, 5 to Mr. Kalač, and 3 to Mr. Dedeić.

<sup>57</sup> Due to the 2017 amendments to the Electronic Media Law, political advertising is not counted into the allowed duration of advertising.

<sup>58</sup> The [pricelists](#) for advertisements in the media were published by the Agency for Prevention of Corruption.

<sup>59</sup> According to ODIHR EOM media monitoring of the broadcasting channels, Mr. Đukanović purchased 7 hours and 37 minutes on *Pink M Tv* and *Prva Tv*, Ms. Vuksanović and Mr. Bojanić purchased 9 and 8 minutes, respectively, and other candidates did not buy any paid advertisements. On 28 March, *Pink M Tv* aired as paid-for programme, 1 hour and 50 minutes of the opening rally of Mr. Đukanović in Niksic, and 1 hour and 34 minutes of the final rally in Podgorica on 12 April and rebroadcast the same event on 13 April for one hour.

*The authorities could consider imposing a limit on the amount of paid political advertising which could contribute to more balanced level playing field. Media should offer equivalent rates to all candidates, avoiding negotiations on the price, and the rates should be made public before the election campaign.*

ODIHR EOM media monitoring of print media showed a similar polarization, with *Pobjeda* and *Dnevne Novine* mainly favoring Mr. Đukanović and *Vijesti* and *Dan* the opposition candidates. The online media, *CdM* and *Portalanalytika*, provided generally neutral coverage of the candidates, although devoted more stories to the DPS candidate.

## XI. CITIZEN AND INTERNATIONAL OBSERVERS

The legal framework provides for observation by citizen and international observers. The SEC accredited 333 international (a number which includes some 130 local supporting staff) and 1,682 citizen observers. The Centre for Monitoring and Research (CEMI) deployed some 1,300 observers on election day and conducted parallel vote tabulation (PVT) with a sample of approximately 1,100 polling stations. The CDT observed the work of the SEC, the candidate registration process, deployed approximately 300 observers on election day and also conducted a PVT. Network for Affirmation of NGO Sector (MANS) focused mainly on monitoring campaign finance while the Centre for Civic Education (CCE) conducted media monitoring.

## XII. COMPLAINTS AND APPEALS

Voters, candidates, and the entities who nominate them may challenge actions and decisions of election commissions at higher-level commissions. The Constitutional Court reviews SEC decisions; the right to appeal is limited only to candidates and those nominating them. The MoI handles voter registration complaints, while appeals are submitted to the Administrative Court. Contrary to previous ODIHR recommendations, the electoral disputes resolution procedure is not fully regulated in the statutory legal framework, nor was it addressed adequately by the SEC regulations.

Due to the unclear procedures and overlapping jurisdiction, election dispute resolution often depended on the discretion of different public authorities to deal with the matters at hand leading to a failure to ensure effective legal redress, at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document and other international obligations and standards.<sup>60</sup> In addition, despite previous ODIHR recommendations, the deadlines for filing and addressing complaints remain unduly short, hindering the applicants' right to effective legal remedy.<sup>61</sup>

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<sup>60</sup> For example, the SEC and the Agency for Personal Data Protection and Free Access to Information refused to deal with voters' requests to delete information on support signatures from the database. Paragraph 5.10 of the [1990 OSCE Copenhagen Documents](#) requires "an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity." See also Article 2.1 of the ICCPR, Section II.3.3 of the [Code of Good Practice](#), para 18.2 of the [1991 OSCE Moscow Document](#), and the CoE [Rec\(2004\)20](#) on judicial review of administrative acts.

<sup>61</sup> The timeframe to file a complaint or appeal is 72 hours, the relevant election commission has 24 hours to issue a decision. The Constitutional Court has a discretion to process appeals, but the adjudication is limited to 48 hours. Paragraph II.3.3 of the [Code of Good Practice](#) recommends a time limit of three to five days both for lodging appeals and making rulings. Paragraph 10.3.6 of the [Review of Electoral Legislation and Practice in OSCE Participating States](#) states that "overly short legal timelines may prevent the due review of complaints and/or appeals".

A limited number of complaints were filed to the election administration and courts, despite persistent allegations of violations raised throughout the process.<sup>62</sup> In the pre-election period, one complaint was submitted to a MEC and three to the SEC on the appointment of PBs chairpersons. Three complaints were dismissed because complainants were not represented in the municipal assemblies; one was upheld automatically when the SEC missed the review deadline.<sup>63</sup>

The candidate registration process was marred by over 1,300 complaints from voters alleging forgery of signatures or misuse of personal data in the support lists. All complaints were forwarded to the Basic State Prosecutor's Office in Podgorica for investigation. As the signature template developed by the SEC did not require the identification of the persons responsible for signature collection and the law does not provide for direct liability of the candidates, the prosecutors could not identify the suspects.<sup>64</sup> Forensic expertise on all allegedly forged signatures has been conducted on a case-by-case basis. In addition, voters' requests to delete their personal data from the SEC online database or to withdraw their signatures were not considered.<sup>65</sup> The SEC rejected the complaint by a candidate's representatives who alleged the signatures database violated the rights of voters and was launched in breach of procedure. The decision was contested to the Constitutional Court which rejected the appeal as unfounded.<sup>66</sup>

On election day, all complaints filed to MECs alleging violations of campaign rules, video recording at the PSs, vote buying, violation of voting procedures and intimidation of voters were rejected as unfounded. In some cases, MECs took immediate steps to address procedural irregularities. At its extraordinary session, the SEC rejected as inadmissible the complaint by Mr. Bojanic who alleged intimidation of voters, vote buying, and the SEC failure to effectively administer electoral process.

Prior to adoption of the preliminary results, all opposition SEC members failed to appear at sessions. Despite the absence of the quorum, the SEC continued to function and rejected three complaints by presidential candidates and their representatives.<sup>67</sup> Mr. Bojanic contested the preliminary election results and the legitimacy of the SEC work without quorum at the Constitutional Court. The Court rejected the appeal in an attempt to ensure uninterrupted conduct of election process.<sup>68</sup> Following the Court's decision,

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<sup>62</sup> ODIHR EOM interlocutors opined the public reluctance to report electoral offenses was due to the lack of confidence in the dispute resolution system and partiality of the judiciary and election administration. According to the 2018 [GRECO Compliance Report on Montenegro on Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors](#), the recommendations on strengthening objectivity, impartiality and effectiveness of the judicial have not been implemented. The 2018 [European Commission Progress Report](#) and the CoE "[FILL](#)" initiative highlighted the necessity of further efforts to strengthen accountability and prevent corruption among judiciary.

<sup>63</sup> The election law provides that the complaint is upheld if the commission fails to adopt the decision within the deadline. The MEC did not recognize the automatically upheld complaint sufficient to change its initial decision and re-adopted it. Further attempts to challenge the MEC decision at the SEC and the Constitutional Court were unsuccessful.

<sup>64</sup> ODIHR EOM interlocutors at the Basic State Prosecutor's Office in Podgorica informed that the added caseload was putting a strain on their already limited resources.

<sup>65</sup> Some voters expressed concerns that the application could be used to identify the candidate they were supporting. The Constitutional Court issued a public statement denouncing first instance jurisdiction over the cases. Problems in determination of jurisdiction affected the process at all instances.

<sup>66</sup> At least two judges during the session criticized the Court for failing to address the complaint in substance, thus undermining the electoral process and in violation of its constitutional duties.

<sup>67</sup> Mr. Milickovic invoked institutional advantage by Mr. Djukanovic and alleged violations of campaign finance rules. Mr. Bojanic claimed the institutional advantage by Mr. Djukanovic compromised the elections and requested repeat voting. The SEC decision that rejected of Ms. Vuksanovic complaint about irregularities during voting was upheld by the Constitutional Court.

<sup>68</sup> The SEC explained that the final results confirmation is a "quantitative procedure" that does not require analysis of decision-making and therefore shall not be put to vote. They also based their decision on the absence of a norm in the election law that stipulates a voting procedure for final results.

the SEC adopted the final results of the election without a vote by the SEC members. The court did not hold public hearings on complaints and the parties had no opportunity to be heard or provide evidence, except in writing.<sup>69</sup>

Overall, the election administration and judiciary, including the SEC and the Constitutional Court, failed to thoroughly examine contested issues. The process of resolving complaints lacked transparency, as the hearings were not announced in advance and decisions were not published, and there was no comprehensive register of complaints maintained.<sup>70</sup> Restrictive deadlines, inconsistent and politicized decision-making and formalism in consideration of cases failed to ensure effective remedy and further undermined the credibility and effectiveness of legal redress.<sup>71</sup>

*Election administration and judiciary should ensure meaningful, substantive and impartial consideration of complaints in line with clear and transparent legal procedures. Institutions dealing with dispute resolution should be sufficiently empowered to implement necessary control over the electoral process in accordance with clearly defined jurisdiction rules.*

In the post-election period, the Prosecutor's offices received 12 complaints on vote buying, destruction of voting materials, monitoring of voters and regarding the attack on DF regional premises on election night. Criminal investigations were initiated against Mr. Đukanović and Ms. Vuksanović and their proxies for violations of campaign finance law and misuse of administrative resources. In the absence of a specific expedited procedure, a high number of election-related criminal cases remain pending after the campaign is over, which makes the system overall ineffective with regard to the election related investigations.<sup>72</sup>

*Consideration could be given to setting specific expedited time limits for investigation and adjudication of election related complaints in misdemeanour and criminal procedure.*

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<sup>69</sup> Despite legal requirements for public sessions, the Court developed a procedure of advance accreditation. Mr. Bojanic's request to attend was rejected, ODIHR EOM were allowed only to a case report discussion. The [Code of Good Practice](#) requires safeguarding "the applicant's right to a hearing involving both parties". According to paragraph 59 of the [Venice Commission Report on the Cancellation of Election Results](#), the effectiveness of the judicial procedure depends mainly on the presentation of evidence. Under the ECtHR case-law, the public character of proceedings before judicial bodies constitutes one of the means whereby confidence in the courts can be maintained (*Martinie v. France, application no. 58675/00*) and holding proceedings, whether wholly or partly, in camera must be strictly required by the circumstances of the case (*Lorenzetti v. Italy, application no. 32075/09*).

<sup>70</sup> Paragraph 100 of the [Venice Commission Compilation of Venice Commission Opinions and Reports Concerning Election Dispute Resolution](#) states that "the complaints and appeals system should be transparent, with the publication of complaints, responses, and decisions. Transparency provides assurance to complainants and voters that electoral malfeasance has been corrected as well as serving as a potential deterrence to future misconduct."

<sup>71</sup> Paragraph 68 of the [Code of Good Practice](#) states that "impartiality and independence from politically motivated manipulation will ensure proper administration of the election process, from the pre-election period to the end of the processing of results."

<sup>72</sup> The [Annual Performance Report of the Prosecutorial Council and the State Prosecutor's Office](#) for 2016 stated that out of the total 155 election related complaints received during the 2016 Parliamentary election campaign, the indictments were filed in 7 cases, while 111 complaints were rejected and 37 cases remained pending after reporting deadline.

### XIII. VOTING, COUNTING AND TABULATION

Election day generally proceeded in an orderly manner despite a few procedural irregularities observed. Citizen observers or authorized candidates' representatives, predominantly from DPS, were present in approximately 70 per cent of the polling stations observed.

Opening was assessed positively in 48 of the 50 polling stations observed by the IEOM. Procedures were mostly followed, however, in 18 cases the distribution of the functions of PB members was not conducted according to the law. In five polling stations the ballot box was not sealed in the presence of the first voter. In several cases, the EVID was initially not functioning properly but the problem was solved promptly by the PBs.

Voting was assessed as good and very good in 97 per cent of observed polling stations. The work of PB members was positively assessed in 99 per cent of the polling stations observed. More than half of polling stations were not accessible for voters with disabilities (59 per cent of observations) and in 30 per cent the layout was not suitable for voters in wheelchairs.

*To encourage equal participation of persons with disabilities in elections, the election administration and other relevant institutions should take further measures to improve the accessibility of polling stations.*

Secrecy of the vote, although generally respected, was not ensured in 28 per cent of polling stations by the way the voting booths were positioned. Instructions on polling station layout should include clearer guidelines on how to arrange the voting booths to guarantee secrecy of the vote.

While PB members checked voters ID with EVID in 99 per cent of observations, the confirmation slips were either not signed or not countersigned by an opposition member in 5 per cent of observations. In addition, the ordinal number of the voter in the printed copy of the voter lists was not circled as required (9 per cent of observations). In 16 per cent of the observations voters were turned away, mostly due to not being on the voter list in that polling station. Many voters reported that they had not received notification from the MoI of the location of their polling station as foreseen by law.

The closing and counting was assessed positively in 44 of the 46 observations. PBs often did not perform legally required steps before opening the ballot boxes, such as counting unused ballots (11 cases), control coupons and signed EVID slips (15 cases) and the voters marked as having voted in the printed voter lists (17 cases). In 10 observations, non-PB members took part in the count. In 16 cases, one or more polling board members refused to sign the protocols. There is no requirement in the procedures to post a copy of the PB protocol outside the polling station for public scrutiny.

*To increase the transparency in the election process, the election day procedures could be revised to include posting copy of results protocols outside the premises of the polling stations to publish them online.*

Despite the lack of written procedures, the MEC members were well organized and the tabulation process was assessed positively in all 22 MECs observed. Authorized representatives of candidates were present in 12 of the MECs observed. IEOM observers assessed the process as transparent in all MECs. The lack of written procedure regulating the correction of wrongly filled protocols or the possibility of opening election material for verification at MECs led to inconsistent approaches from the various MECs.

*The SEC could consider revising election day procedures and develop clear tabulation procedures to enhance consistency in the reporting of results, and ensure the transparency and accountability of the process.*

For the first time, the SEC made polling station results available on their website in real time using the newly developed software. However, ODIHR EOM observers were denied access to the operational room at the SEC where the tabulation results were being processed.

IEOM observers reported on large groups of citizens visiting private houses after voting in Bijelo Polje and party activists tracking voters' participation around polling stations in Podgorica, Rožaje, Berane, and Bjelo Polje. Civil society organizations also informed about the existence of improvised party offices near the polling stations, from which party activists kept records on who had voted. These practices are at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document, the Venice Commission Code of Good Practice and paragraph 33 of the 1999 OSCE Istanbul Document.<sup>73</sup>

#### **XIV. ANNOUNCEMENT OF RESULTS**

On 17 April, the SEC announced the preliminary results and published them on its website per municipality and per polling station.<sup>74</sup> Mr. Đukanović won the election in the first round with 53.9 per cent (180,274 votes). The candidate of DPS led in 20 out of 23 municipalities. The voting turnout was 63.9 per cent – the same as in the 2013 presidential election

The post-electoral atmosphere was generally calm, with some celebrations of DPS supporters in the main towns. The day after the election, most political parties resumed the campaign activity in 11 municipalities for the upcoming local elections. SEC announced the final results on 28 April, confirming the preliminary results.

#### **XV. RECOMMENDATIONS**

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Montenegro and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been

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<sup>73</sup> Paragraph 7.7 of the [1990 OSCE Copenhagen Documents](#) states that the OSCE participating States should “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution.” See Section I.2.3 of the [Code of Good Practice](#) which states that “Equality of opportunity must be guaranteed for parties and candidates alike.” Paragraph 33 of the [Istanbul Document 1999](#) states that “participating States pledge to strengthen their efforts to combat corruption and the conditions that foster it; and to promote a positive framework for good government practices and public integrity”

<sup>74</sup> 15 members of SEC participated in the session for the announcement of the preliminary results. 11 voted in favor, and four abstained.

addressed. The ODIHR stands ready to assist the authorities of Montenegro to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>75</sup>

**A. PRIORITY RECOMMENDATIONS**

1. Comprehensive and inclusive review of the electoral legal framework should be considered to regulate all key aspects of the election process, address omissions and to harmonize provisions from different election laws to avoid legal collision. All amendments should be adopted in broad and inclusive public consultation well in advance of the next election.
2. The authorities should promptly and thoroughly investigate all allegations of electoral violations and, in conjunction with the political parties, should undertake measures to discourage vote-buying and to prevent pressure on citizens to participate in the campaign events or to influence their vote.
3. To increase transparency and to earn public trust, SEC should allow access of media to all its meetings. The SEC and MECs should publish all relevant documents and decisions on their websites in a timely manner.
4. Election administration and judiciary should ensure meaningful, substantive and impartial consideration of complaints in line with clear and transparent legal procedures. Institutions dealing with dispute resolution should be sufficiently empowered to implement necessary control over the electoral process in accordance with clearly defined jurisdiction rules.
5. The law should be amended to include clear instructions for signature verification, reasonable timeframe for the review of signatures and adequate sanctions for violations.
6. The SEC could consider revising election day procedures and develop clear tabulation procedures to enhance consistency in the reporting of results, and ensure the transparency and accountability of the process.
7. To foster the independence of the RTCG and the AEM, council's members should be protected from undue influence from politics, and early dismissals should be permitted only in limited circumstances.
8. Authorities should firmly condemn any attacks against journalists and foster measures to protect journalists and prevent impunity, including independent, speedy, effective investigations, and detailed and systematic data collection on threats against journalists.

**B. OTHER RECOMMENDATIONS**

**Election Administration**

9. In order to ensure consistency, the SEC should exercise its legal authority to promulgate clear and consistent instructions and regulations to address gaps in the electoral law.

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<sup>75</sup> In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

10. The SEC should operate and adopt its decisions with the legally required quorum. Additional measures to safeguard integrity, impartiality and professionalism of the election administration could be taken to avoid politicization of decision-making. The role of authorized representatives at all levels of election administration needs to be clarified and consideration given to limiting their involvement in decision-making.

### **Voter Registration**

11. The residency and legal competence requirements for voting should be reviewed in line with the international obligations and good practice to allow for broader participation in the elections.

### **Candidate Registration**

12. As previously recommended, consideration could be given to remove the restriction to sign in support of only one candidate and to limit the number of support signatures required to stand for office to no more than one per cent of the total electorate.

### **Election Campaign**

13. As previously recommended, consideration should be given to amending the election law to clearly define when the official campaign period starts.

### **Campaign Finance**

14. Gaps and ambiguities in the law regarding the use of loans and party resources to finance the election campaign should be addressed. The timeframe for opening the campaign bank account could also be installed by the law.
15. Further measures could be taken to guarantee independence and strengthen the capacities of the APC with a view to ensure effective implementation of the law. APC should develop sound methodology for inspection of financial activities of the contestants during the campaign.
16. The reporting templates should be itemized to provide for a clear distinction between different categories of expenses, including types of advertisements and to be published in a user-friendly format. Consideration could be given to developing guidelines on calculation of in-kind contributions.

### **Media**

17. Whilst public support for the media can enhance pluralism, a transparent and non-discriminatory allocation of state advertising funds should be required. Alternative forms of indirect subsidies, such as tax benefits, or direct subsidies based on objective criteria and conditions may be considered.
18. Consideration could be given to granting the AEM more effective enforcement mechanisms to include intermediate financial sanctions, commensurate with the gravity of the offence committed. To avoid overlapping jurisdiction and ensure effective remedies, the AEM should be the only body responsible for supervising broadcasters during the elections.



19. The authorities could consider imposing a limit on the amount of paid political advertising which could contribute to more balanced level playing field. Media should offer equivalent rates to all candidates, avoiding negotiations on the price, and the rates should be made public before the election campaign.

### **Complaints and Appeals**

20. Consideration could be given to setting specific expedited time limits for investigation and adjudication of election related complaints in misdemeanour and criminal procedure.

### **Voting, Counting and Tabulation**

21. To encourage equal participation of persons with disabilities in elections, the election administration and other relevant institutions should take further measures to improve the accessibility of polling stations.
22. To increase the transparency in the election process, the election day procedures could be revised to include posting copy of results protocols outside the premises of the polling stations to publish them online.

**ANNEX I: ELECTION RESULTS<sup>76</sup>**

	<b>Total</b>	
Number of Registered Voters	532,599	
Number of Ballots Cast	340,462	63.92 per cent
Number of Ballots Cast in Polling Stations	331,174	97.27 per cent
Number of Ballots Cast through Mobile Voting	9,288	2.73 per cent
Number of Valid Ballots	334,464	98.24 per cent
Number of Invalid Ballots	5,995	1.76 per cent

<b>Candidate</b>	<b>Per cent</b>	<b>Number</b>
1. Milo Đukanović	53.9	180,274
2. Mladen Bojanić	33.40	111,711
3. Draginja Vuksanović	8.20	27,441
4. Marko Milačić	2.81	9,405
5. Hazbija Kalač	0.80	2,677
6. Vasilije Miličković	0.48	1,593
7. Dobrilo Dedeić	0.41	1,363
<b>Total</b>		<b>334,464</b>

<sup>76</sup> [Final results](#) as published on the SEC website.

## ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### Parliamentary Assembly of the Council of Europe

Jonas GUNNARSSON	Head of Delegation	Sweden
Boriana ÅBERG	MP	Sweden
Marie-Christine DALLOZ	MP	France
Alina Ștefania GORGHIU	MP	Romania
Paolo CORSINI	MP	Italy
Didem ENGIN	MP	Turkey
Oleksii GONCHARENKO	MP	Ukraine
Suat ÖNAL	MP	Turkey
Emilie Enger MEHL	MP	Norway
Robert TROY	MP	Ireland
Marco NICOLINI	MP	San Marino
Fazil MUSTAFA	MP	Azerbaijan
Andrea RIGONI	MP	Italy
Ionut-Marian STROE	MP	Romania
Mirjana LAZAROVA-TRAJKOVSKA	Venice Commission	The former Yugoslav Republic of Macedonia
Michael JANSSEN	Venice Commission	Germany
Chemavon CHAHBAZIAN	Secretariat	Armenia
Franck DAESCHLER	Secretariat	France

### European Parliament

Fabio Massimo CASTALDO	Head of Delegation	Italy
José Inácio FARIA	MEP	Portugal
Tonino PICULA	MEP	Croatia
Ryszard CZARNECKI	MEP	Poland
Javier NART	MEP	Spain
Tamás MESZERICS	MEP	Hungary
Andre ELISSEN	MEP	Netherlands
Tim BODEN	Secretariat	
Andre de MUNTER	Secretariat	
Montse GABÁS	Secretariat	

### OSCE/ODIHR EOM Short-term Observers

Uarda Celami	Albania
Iris O'Rourke	Austria
Martina Berger	Austria
Adam Gazda	Czech Republic
Olga Koldová	Czech Republic
Petr Šmejkal	Czech Republic

Šárka Michková	Czech Republic
Kirsten Lind	Denmark
Lise Olsen	Denmark
Niels Waltorp	Denmark
Kenneth Kopamees	Estonia
Erkki Aalto	Finland
Marja Lahtinen	Finland
Aurelie Duchesne	France
Pascale Delpech	France
Sébastien Gricourt	France
Björn Weber	Germany
Frank Meyke	Germany
Gabriele Habashi	Germany
Harald Haendel	Germany
Juergen Binder	Germany
Jutta Krause	Germany
Konrad Menny	Germany
Kristian Kampfer	Germany
Magdalena Metzler	Germany
Reinhold Osterhus	Germany
Sigrid Meyer	Germany
Balogh Zoltan	Hungary
Barbara Fehérváry	Hungary
Gábor Tóbiás	Hungary
Hedinn Unnsteinsson	Iceland
Hildigunnur Engilbertsdottir	Iceland
Anne Donnellan	Ireland
Brendan Gogarty	Ireland
Eric Byrne	Ireland
Joseph Scanlon	Ireland
Paul Rowe	Ireland
Angelo Di Giorgi	Italy
Antonella Leonardi	Italy
Eugenio Del Punta	Italy
Riccardo De Mutiis	Italy
Ritalba Mazzara	Italy
Mindaugas Mėčius	Lithuania
Johannes Stienen	Netherlands
Margriet Teunissen	Netherlands
Maria Lucas	Netherlands
Serv Wiemers	Netherlands
Justyna Szarwacka	Poland

Elzi Martin	Romania
Mihaela Besliu	Romania
Octav Niculescu	Romania
Tomáš Bičan	Slovakia
Branko Dekleva	Slovenia
Antoni Borrell Vila	Spain
Daniel Rajmil Bonet	Spain
Diego Sanz de la Asunción	Spain
María José De la Fuente Rivas	Spain
Ann-Sofie Hellgren	Sweden
Emma Sundell	Sweden
Eva Dalekant	Sweden
Jan Bolling	Sweden
Karl Lindberg	Sweden
Lott Törngren	Sweden
Malin Hasselskog	Sweden
Paul Sandahl Sundholm	Sweden
Mehmet Selim Kartal	Turkey
Armen Vardanyan	United States
Carol Gaultney	United States
Catherine Lawrence	United States
Jamelle McCampbell	United States
Jennifer Bourguignon	United States
John Winter	United States
Michael Hopper	United States
Sean Gralton	United States
Stephen Bouey	United States

### Long-Term Observers

#### OSCE/ODIHR EOM Core Team

Tana de Zulueta	Head of Mission	Italy
Yelena Kovalyova		Belarus
Vania Anguelova		Bulgaria
Monica Moracova		Czech Republic
Mikheil Golijashvili		Georgia
Giuseppe Milazzo		Italy
Roman Railean		Moldova
Maria Krause		Romania
Karolina Semina		Russian Federation
Robert Bystricky		Slovakia
Mauro Clavo		Spain
Donald Bisson		United States

Kyle Bowers United States

**OSCE/ODIHR EOM Long-term Observers**

Olga Blatakova	Czech Republic
George Niklas Sand	Finland
Laurent Campigotto	France
Sabrina Nadia Rouigui	France
Kirsten Maria Joppe	Germany
Thomas Hans Döhne	Germany
Donal Blake	Ireland
Noemi Arcidiacono	Italy
David Capezzuto	Italy
Judith Kiers	Netherlands
Cristian Negrilă	Romania
Luminita Bălan	Rominia
Vida Koren Holm	Sweden
Peter Robert Davies	United Kingdom
Constance Kaplan	United States
Harold Wayne Otto	United States

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).