



Office for Democratic Institutions and Human Rights

**REPUBLIC OF MONTENEGRO**

**PARLIAMENTARY ELECTIONS**

**10 September 2006**

**OSCE/ODIHR Election Observation Mission Final Report**



Warsaw  
28 December 2006

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**I. EXECUTIVE SUMMARY**

The 10 September 2006 parliamentary elections in the Republic of Montenegro were the first since the 21 May referendum on state-status and the subsequent proclamation of independence. The electoral process was largely in line with OSCE Commitments and other international standards for democratic elections, although a number of reappearing challenges remain to be addressed.

Five political parties, six coalitions and one group of citizens submitted lists and were registered within legal deadlines in an inclusive process, representing a broad political spectrum and providing voters with a wide choice.

The election campaign was generally calm, orderly and low-key, although it gathered momentum during the last week. The overall tone of the campaign was moderate, with a few instances of inflammatory exchanges noted, especially during the final stages of the campaign. Several opposition parties claimed that the authorities put undue pressure on their voters and candidates.

A wide and diverse range of media provided voters with sufficient information to make informed choices. However, broadcast media, including the public broadcaster, gave disproportionate coverage to the Government and the ruling parties. Public Radio-Television of Montenegro adopted rules on campaign coverage which provided for proportional allocation of time, rather than the equal allocation foreseen in the Election Law and other legislation. Newspapers presented a variety of views and provided more diverse information than the broadcast media.

Montenegro's unicameral parliament is elected for a four-year term, under a proportional representation system with a three-per cent threshold. In these elections, 81 Members of Parliament were elected from nation-wide candidate lists, 76 based on the votes cast in the whole of Montenegro, and five based on the votes cast in 70 specially designated polling stations located in areas where Albanian minority voters are believed to be concentrated.

The Law on the Election of Councilors and Representatives (the Election Law) requires that only one half of the mandates won by a party or coalition must be allocated according to the order of the candidates' names on the list, while the party or coalition is free to allocate the remaining seats to any other candidate appearing on the list. This provision limits transparency and has repeatedly been criticized by the OSCE/ODIHR.

Overall, the legal framework provides an adequate basis for the conduct of elections. However, the Election Law was amended after the elections were called, contrary to international best practices. Furthermore, some of key amendments introduced limit the right of free speech and expression, and constitute a step backwards. The Election Law does not prohibit persons standing as candidates from holding simultaneous positions in the election administration, thus allowing for a potential conflict of interests.

The Constitutional Court on 28 June struck down part of the formula for distribution of public funds for campaign purposes. While the Government disbursed 10 per cent of the total funds allocated for campaign purposes before election day, as envisaged in the law, it remains unclear what funds, if any, will be made available after the elections.

The Republic Election Commissions (REC) and the 21 Municipal Election Commissions (MECs) generally functioned well and in a transparent manner. The REC did not provide voter education, and failed to publish preliminary results on its website, but it did publish detailed final results by municipalities and polling stations. Few election-related complaints or appeals were filed at the State level.

The voter register was overall accurate and proved far less contentious than in previous elections, possibly as a result of checks performed ahead of the 21 May referendum.

Several national minority parties participated in the elections, either alone or in coalitions. Issues of inter-ethnic relations were largely absent from the campaign, with the notable exception of the Serb List, which based its campaign on calls for the defense of Serbs' rights. Four parties competed for the Albanian vote, focusing on the 70 specially designated polling stations and campaigning mainly on intra-community issues.

Women continue to be underrepresented in political life and in the election administration.

Voter turnout was 71.37 per cent. International observers generally assessed the voting process positively, with 98 per cent of observations evaluated as "good" or "very good". However, isolated cases of procedural irregularities were noted. The secrecy of the vote was not always respected, and a relatively high 8 per cent of observations noted group or family voting. The number of homebound voters was high. Procedures for homebound voting appear to not have been followed in all cases and should be defined more clearly in the Election Law.

The vote count was assessed less positively than voting, with 13 per cent of counts observed characterized as "bad". Procedural irregularities were noted, especially during the reconciliation phase before opening the ballot boxes. Occasionally, the vote count proved contentious, and in 10 per cent of counts observed, EOM observers reported that the determination of ballot validity was confusing. Frequently, PBs had problems completing the results protocols. Procedural problems observed on election day, especially during the vote count, indicate that the process would benefit from further and more consistent training of election officials.

International observers witnessed one instance – in Berane – of suspicious activities which strongly indicated a vote-buying scheme on behalf of the incumbent Democratic Party of Socialists (DPS). Numerous other allegations about such practices could not be substantiated.

The OSCE/ODIHR stands ready to continue its support for the efforts of Montenegro's authorities, political parties and civil society to further improve electoral practices in the Republic of Montenegro.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation by the Ministry of Foreign Affairs of the Republic of Montenegro to observe the 10 September 2006 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in the Republic of Montenegro on 9 August 2006. The OSCE/ODIHR EOM, headed by Mr. Jørgen Grunnet, consisted of 27 experts and long-term observers (LTOs) from 16 OSCE participating States who were based in Podgorica and six other regional centers, covering all 21 municipalities in Montenegro. In 14 of the 21 municipalities of the country, elections of mayors and municipal councilors were held concurrently with the parliamentary elections. However, the OSCE/ODIHR monitored these elections only to the extent that they had an impact on parliamentary elections.

For observation of election day, the OSCE/ODIHR EOM joined efforts with the observer delegations of the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM). Mr. João Soares, Vice President of the OSCE PA and Member of the Parliament of Portugal, headed the OSCE PA delegation and was appointed by the OSCE Chairman-in-Office as Special Coordinator to lead the Short-Term OSCE Observer Mission. Mr. Jean-Charles Gardetto, Vice President of the PACE and Member of the Parliament of Monaco, led the PACE delegation. On election day, some 200 short-term observers from 41 OSCE participating States were deployed within the IEOM, including 27 from the OSCE PA and 13 from the PACE.

The OSCE/ODIHR EOM assessed compliance of the election process with OSCE Commitments and other international standards for democratic elections, and domestic legislation. This final report follows a statement of preliminary findings and conclusions which was released at a press conference on 11 September 2006 and is available on the OSCE/ODIHR website ([www.osce.org/odihhr](http://www.osce.org/odihhr)), as are the reports of previous observation missions deployed by the OSCE/ODIHR since 1997.

The OSCE/ODIHR EOM is grateful to the authorities, the Republican Election Commission, political parties and civil society of the Republic of Montenegro for their co-operation. The EOM also wishes to express its appreciation to the OSCE Mission to Montenegro and the resident diplomatic missions of OSCE participating States and international organizations for their support.

## III. POLITICAL BACKGROUND

The President of the Republic of Montenegro, Mr. Filip Vujanović, on 11 July 2006 called parliamentary elections for 10 September, earlier than widely anticipated. The date chosen came at the end of the summer holiday season and led to complaints by the opposition that their views that elections should be held in late September or early October had not been taken into account, despite the consultations the President held with party leaders before calling the elections.

The parliamentary election came less than four months after the 21 May referendum on state-status and three months after independence. The elections took place in a significantly changed political environment. The disappearance of the pro-independence and pro-union blocs resulted in new political dynamics, with new parties appearing on the political scene and new political alliances being formed for the parliamentary elections. A

total of 12 candidate lists, including six coalitions, five parties and one group of citizens, contested the 81 seats in the Montenegrin Parliament.

The governing coalition, comprising the Democratic Party of Socialists (DPS) of Prime Minister Milo Đukanović and the smaller Social Democratic Party (SDP) of Speaker of Parliament Ranko Krivokapić, contested the elections as the “Coalition for a European Montenegro”. The coalition, strengthened by the referendum’s result and the independence process, faced an opposition that was divided by internal competition and the emergence of new parties.

Among the main opposition forces in these elections was the coalition of the Socialist People’s Party (SNP), People’s Party (NS) and Democratic Serbian Party (DSS) – the main parties of the former pro-union coalition. The coalition was led by the SNP President and opposition leader in the outgoing parliament Predrag Bulatović, NS president Predrag Popović and DSS leader Ranko Kadić.

Other key opposition forces included the Serb List, which the fourth leader of the former pro-union camp Andrija Mandić formed with his Serbian People’s Party (SNS) and three smaller parties; the Movement for Changes (PzP), a new civic-oriented party led by Nebojša Medojević, which was created by the transformation of a non-governmental organization; the multiethnic coalition of the pro-Montenegrin Liberal Party (LPCG) and the recently-formed Bosniak Party (BS); the Civic List of the Civic Party (GP) and the newly-formed Green Party (ZS). Further competitors were the newly-established Democratic Party of Montenegro and the League of Communists of Yugoslavia – Communists of Montenegro.

Four lists targeted the vote of the Albanian community, up from two in 2002. The two previous competitors were Ferhat Dinoša’s Democratic Union of Albanians (DUA), an ally of the government, and Mehmet Bardhi’s opposition coalition of the Democratic Alliance in Montenegro and the Party of Democratic Prosperity (DSCG–PDP). They had to compete with two new Albanian lists: the Forca – New Democratic Force of Nazif Cungu, an Albanian businessman from Ulcinj, and the Albanian Alternative, which is rooted in the catholic Albanian community of Tuzi (part of Podgorica municipality).

#### **IV. ELECTION SYSTEM**

Montenegro has a unicameral Parliament elected for a four-year term through proportional representation on the basis of closed nation-wide lists of candidates. The Constitution provides that there shall be one Member of Parliament for every 6,000 voters. Based on the number of registered voters, the Parliament adopted a decision calling for the election of 81 MPs in these elections.

Lists of candidates can be submitted by registered political parties, separately or in a coalition, as well as groups of citizens. Although the same lists of candidates are on the ballot in all polling stations in Montenegro, and each voter has one vote, there are two separate allocations of mandates. Both allocations use the d’Hondt formula.

The first allocation is for 76 mandates and is based on the results in all polling stations in Montenegro. In order to participate in the allocation of the 76 mandates, a list of candidates must have obtained at least three per cent of the votes cast in all polling stations, rather than the valid votes cast.

The second allocation is for five mandates and is based on the results in polling stations which are specified by the Parliament before each election.<sup>1</sup> In order to participate in the second allocation of the five mandates, a list of candidates must have obtained at least three per cent of the votes cast in the 70 polling stations specified by Parliament. However, a list that participates in the allocation of these five mandates may use its nationwide vote total as the basis of its allocation if it did not reach the three per cent nationwide threshold. A list that has won one of the 76 mandates uses only the vote obtained in the 70 specified polling stations as its vote basis for the allocation of the five mandates<sup>2</sup>.

The Election Law requires that only half of the mandates won by a party or coalition must be allocated according to the order of the candidates' names on its electoral list. The party or coalition is free to allocate the remaining seats to any other candidate appearing on its list as it deems appropriate. This provision limits transparency and may be misleading to voters who cannot be certain of which candidates will represent them. Previous OSCE/ODIHR EOMs have repeatedly criticized this particular aspect of the allocation system and have brought it to the attention of the authorities and political parties in Montenegro. Although the Parliament has had nearly a decade to address this outstanding issue, this provision has not been removed from the law.

## V. LEGAL FRAMEWORK

The legal framework provides an adequate basis for the conduct of elections. However, contrary to international best practices, the Law on the Election of Councilors and Representatives (the Election Law) was amended on 28 July, after the elections were called. Key provisions of the amendments constitute a step back from OSCE Commitments and other international standards for democratic elections, as they restrict the freedom of expression.

One amendment prohibits campaign speech that is offensive, slanderous, or breaches the rules of decency, after a similar provision was introduced already in the new Criminal Code<sup>3</sup>. Such a restriction is not justified<sup>4</sup>. Another amendment increases the blackout period for the publication of opinion poll results from seven to ten days and imposes a ban on the publication of preliminary results or estimates for three hours after the polls close. The three-hour ban on the publication of preliminary results or estimates was challenged in the Constitutional Court, which ruled that the ban was unconstitutional. Although not challenged, the ten-day ban on opinion polls before the elections would appear to be excessive.

The Election Law makes no provision for a citizen to stand as an independent candidate for Parliament or a municipal assembly unless he or she is part of a list submitted by a group of citizens. Since the law, Art.39.4, requires that such a list should include a number of candidates that is at least one third of the total number of seats in Parliament, it is not

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<sup>1</sup> These polling stations are located in areas where Albanian minority voters are believed to be concentrated. For these elections, 70 polling stations were designated by Parliament.

<sup>2</sup> Please see also Section XI "Participation of National Minorities".

<sup>3</sup> Articles 195 and 196; while the respective sanctions are only fines, these could amount up to EURO 14,000.

<sup>4</sup> "Any law regulating defamation of a person's character or eputation should be included only in the applicable civil law". Please see "Guidelines for Reviewing a Legal Framework for Elections", OSCE/ODIHR, Warsaw, 2001, p.25.

consistent with the 1990 OSCE Copenhagen Document, paragraph 7.5: “the right of citizens to seek political or public office individually or as representatives of political parties or organisations, without discrimination”.

There is no provision in the Election Law to prohibit persons standing as candidates in an election from also holding positions as members of election commissions, which by their nature are required to be impartial and quasi-judicial bodies. This arrangement represents a conflict of interests between the political role of a candidate and the responsibility of an impartial election administrator, and should be reviewed.

The Constitutional Court ruled on 28 June that part of the formula for distribution of public funds for campaigns of electoral lists was unconstitutional as it gave parliamentary parties an advantage. This decision, coupled with the Government announcement in July that campaign funds from the State budget would not be available to political parties, limited the financial resources of electoral contestants. However, the Minister of Finance made a subsequent announcement that a total of € 205,000 would be distributed equally among the submitters of the 12 registered lists. While this amount is in line with a provision in the Law on the Financing of Political Parties which states that 10 per cent of the funds allocated for campaign purposes should be distributed equally once lists have been registered, it remained unclear until after election day what funds, if any, would be available for distribution after the elections. Although the amount disbursed somewhat improved the financial resources of electoral lists, the legal limit on the expenditure of private campaign funds to 40 per cent of the public funds may have hampered the campaign efforts of electoral lists that restricted their expenditures to the legal limits.

Under the current legal formula for public funding, an electoral list of a non-parliamentary political party participating in these elections received one-twelfth of 10 per cent of the total amount allocated for the campaign. Political parties entering the Parliament are collectively entitled to share in an additional amount of 70 per cent of the total amount allocated for the campaign, which is divided among them based on the number of mandates won.<sup>5</sup> Further, political parties entering Parliament receive yearly funds for their activities. Consequently, non-parliamentary parties are at disadvantage in the financing of their political campaigns.

There is no requirement in the Election Law that results be publicly posted at the polling station level, although members of election administration bodies receive a copy of the Record of the Work of the Polling Board (protocol). Nor does the law require that the tabulations of results from polling stations be publicly posted at the Municipal Election Commission level.

Under Article 89 of the Election Law, the Polling Board is dissolved, a new one appointed, and voting at the polling station is repeated, *inter alia*, if the ballot box in the polling station contains a larger number of ballots than the number of registered voters shown to have cast ballots. However, no court decision on whether the results from these particular polling stations could have affected the allocation of mandates is required in order to repeat the polling.

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<sup>5</sup> The remaining 20 per cent were to be distributed, once elections are called, among parties represented in the outgoing parliament, proportional to the number of mandates they hold. This specific provision was declared unconstitutional by the Constitutional Court, and it is currently unclear whether and how this part of the funds will be distributed among contestants.



## **VI. ELECTION ADMINISTRATION**

### **A. ELECTION-ADMINISTRATION BODIES**

The parliamentary elections were administered by a three-tiered election administration: the Republican Election Commission (REC), 21 Municipal Election Commissions (MECs), and 1,130 Polling Boards (PBs) for as many polling stations.

The REC and MECs are appointed for a term of four years, by the Parliament and the Municipal Assemblies, respectively, while PBs are appointed by the MECs, ten days before election day, for each election. The REC has no role in conducting municipal elections, which are organized and overseen by the respective MECs.

All election administration bodies have a “permanent” composition reflecting the political composition of the body that appoints them, including one member each from the two opposition parties which received the highest number of votes in the last elections. The REC has a chairperson and nine “permanent” members, MECs have a chairperson and five “permanent” members, and PBs, a chairperson and four “permanent” members. In addition, all election administration bodies have an “extended” composition consisting of representatives appointed by the submitters of electoral lists (one per list). All election administration members have deputies. The REC and MECs are assisted in their work by a secretary.

“Permanent” members of the REC and MECs must be graduate lawyers. This provision proved difficult to implement in some smaller and more remote municipalities.

### **B. ASSESSMENT OF THE ORGANIZATION OF THE PARLIAMENTARY ELECTIONS**

The four-year mandate of the REC and MECs provides the potential for continuity in the administration of elections. However, it has also often enabled an incumbent party, whether at Republican or municipal level, to dominate the “permanent” membership of a given election commission. A degree of political balance is achieved by including in the “permanent” composition of election commissions at all levels two representatives of opposition parties, and by entitling list submitters to appoint “extended” members of election administration bodies at all levels.

The REC operated in a generally open and transparent manner, and its meetings were open to domestic and international observers. The REC and MECs met regularly and generally functioned well, taking the required decisions on all issues related to procedures and administrative arrangements. The REC adopted Rules of Procedures for its work, as well as Regulations for the Work of Polling Boards.

The REC also established a website. However, information posted on the website was not always comprehensive. For example, the REC did not publish preliminary results after election day. This lessened the transparency of the process, as did the decision not to post result protocols at polling stations. However, the REC published the final results as a national aggregate, as well as by municipalities and polling stations.

Election administration officials were not provided with sufficient professional or technical training on their work. In particular, the training provided to PB members was inconsistent and could have been substantially improved.

In contrast to best international practice, there was no legal requirement for the REC or any other neutral body to provide voter education and promote public awareness on citizens' rights related to suffrage and polling procedures. Nor did the REC provide any voter education, arguing that this was not part of its obligations.

The REC took a contentious decision that members of the "extended" Polling Board compositions should be paid by the parties appointing them, citing that public funds for the conduct of elections were limited. Extended Polling Board members, however, are also members of the election administration and should therefore be paid by the bodies funding the conduct of the elections.

A minor controversy was caused when the REC awarded the contract for printing the ballots for the parliamentary elections without following public tender procedures. The printing house that was not awarded the contract, but had the lowest bid, suggested that the REC's decision was motivated by improper means. The REC defended its decision by noting that the printing house OBOD in Cetinje, which was awarded the contract, had more experience and a proven track record for printing ballot papers. The other printer was subsequently contracted by some MECs to print ballots for local elections and by the REC to print some other election material.

Overall, the work of the election administration, while in line with legal provisions and generally successful, highlighted the need to reform the administrative structures for elections in Montenegro, including a need for a professional secretariat that has technical expertise in administering all aspects of the electoral process.

### C. VOTER REGISTRATION

Montenegrin citizens who are 18 years of age or over on election day, have been permanent residents in Montenegro for at least 24 months, and who are not deemed incapacitated by court order, have the right to vote in parliamentary elections. Montenegrin citizens living outside of Montenegro may choose to maintain their permanent residence in the Republic, in which case they are eligible to vote at their home polling station.

Voter registration in Montenegro is passive, and eligible voters are included in the voter register based on the information provided *ex officio* by the Ministry of Interior and municipal registrar offices. A period of public scrutiny of voter registers, during which citizens can request changes or additions, is provided for in the law. After this period, changes can be made until ten days before election day, but only on the basis of a ruling of the Administrative Court in Podgorica. On 1 September 2006, the REC announced that the total number of registered voters for the 10 September 2006 parliamentary elections was 484,430.

The central consolidation of the voter registers produced by municipalities is undertaken by the Secretariat of Development (SD), a government agency. The SD integrates the information into a single national database, categorized by municipality and polling station. The SD has no authority to change information on the consolidated voter register, although it undertakes cross-checks for duplicate entries, voting age, and incorrect or missing data. If the SD identifies mistakes or omissions, it informs the Ministry of Justice that remedial action by a municipality is required.

The accuracy of voter registers in Montenegro appears to have improved in recent years and the overall level of accuracy is considerable. The accuracy of the voter register was far less controversial than in previous elections, possibly as a result of the thorough checks performed by the authorities and parties ahead of the 21 May 2006 referendum. As compared to the referendum the total number of registered voters decreased by 288 persons.

Nonetheless, practical shortcomings remain. The procedures that must be followed by voters seeking to prove their eligibility to be included on the voter register, or for removing deceased persons, are at times unclear, and their application is inconsistent between different municipalities. Similarly, the procedures for citizens to keep the Ministry of Interior informed of changes in their residence status, which is crucial data for an accurate voter register, are often cumbersome and prone to delay.

## **VII. CANDIDATE REGISTRATION**

Political parties registered in Montenegro, separately or in coalitions, as well as groups of citizens have the right to nominate candidates for their electoral lists. The lists must be supported by the signatures of at least 1 per cent of the electors in the constituency, based on the data from the last elections, regardless of whether these were presidential or parliamentary.

The electoral lists of political parties, coalitions or groups of citizens representing the Albanian minority in Montenegro must be supported by a minimum of 1,000 signatures in order to participate in parliamentary elections.

Five parties, six coalitions and one group of citizens were registered in an inclusive process, representing a broad political spectrum and providing voters with a wide choice. All 12 lists submitted within the 16 August 2006 legal deadline were registered by the REC. In three cases, the REC asked submitters to correct deficiencies on their lists, which they did within the 48 hours provided by the Election Law. Overall, 747 candidates competed for the 81 seats in the Parliament.

The General Electoral List, which contained the names of all candidates, was published on 24 August 2006 and displayed in polling stations on election day.

## **VIII. CAMPAIGN**

The election campaign was generally calm, orderly and low-key, although campaign activities increased during the last two weeks before election day, and especially in the last week. Among the reasons for this campaign environment were the early date of the elections, the ongoing summer holiday season, and the limited funds available to political parties. The proximity of the very intensive referendum campaign may also have had an impact, and may have resulted in a certain amount of fatigue among party activists as well as voters.

Most parties' campaign strategies were influenced by these considerations, and by the initial decision of the government not to allocate funds from the state budget for the campaign, which led to much acrimony, in particular among opposition parties. The opposition expressed their dissatisfaction with the amount of money finally distributed

equally to all the competitors in the elections; however, it had failed earlier to address the issue in time in the Parliament.

At the start of the campaign, most political parties subscribed to or supported a Code of Conduct, elaborated and promoted by the Center for Democratic Transition (CDT), in cooperation with the National Democratic Institute for International Affairs (NDI).

The main topics of the campaign were the economy, employment, environment, and European integration. The opposition saw shortcomings in the first three issues and also continued – similar to its referendum campaign – to criticize the government with regards to the political independence and performance of State institutions and the integrity of its leading politicians.

The ruling coalition, for its part, tried to capitalize on its success in the referendum and the subsequent independence and international recognition of Montenegro, and also presented itself as the only guarantor of Montenegro's European integration. Economic growth, increased employment and more foreign direct investment were also dominant themes of the ruling coalition's campaign. The government at central and local level was also quite active inaugurating new roads and squares, schools and other public buildings, which could have blurred the distinction between the electoral campaign and the application of state resources.

The SNP–NS–DSS coalition's main concern appeared to be minimizing the demoralization of its activists following the defeat in the referendum, and to maintain its position as the biggest opposition force. The Serb List, aiming to become the strongest opposition force, presented itself almost exclusively as the advocate of the Serb population. Although it claimed that the Serbs are deprived of their rights, it refrained from any interethnic polemic. It received support from abroad, through the Belgrade-based Serbian Radical Party. This support and the appearance of senior representatives of this party at the rallies of the Serb List raised concern and criticism among the other competitors.

The LP–BS coalition, as well as the Civic List, tried to find their place in the political spectrum as pro-Montenegrin political forces with different civic concepts than the governing coalition. The newly-formed Movement for Changes tried to capitalize on expert candidates for its reform program, on new faces in politics and a young and modern image for the party, and put its leader Nebojša Medojević at the center of the campaign. The PzP appeared to target a wide spectrum of voters, and was critical towards the Government. The other smaller competitors – the centrist, business-oriented Democratic Party of Montenegro, which was formed just a few weeks before the elections, and the Communists – did not develop a visible profile.

The four lists vying for the Albanian vote were not present in the countrywide campaign and did not compete with the other parties. Instead, they targeted their electorate with specific issues of the Albanian community and their local needs, running quite intensive campaigns in Albanian-populated places like Ulcinj and Tuzi.

Most parties focused their activities on door-to-door campaigning and the moderate use of billboards, posters and media advertisement. The media campaigns intensified significantly towards the end of the campaign. Only the major political forces – the ruling DPS–SDP coalition and the SNP–NS–DSS coalition with their countrywide network of offices and activists, as well as the Serb List and the Movement for Changes (PzP) with their pools of volunteers, and to a much lesser degree the LP–BS coalition – organized sizable rallies and

meetings throughout Montenegro. These meetings were often aimed at winning support not only for the parliamentary elections, but also for municipal races.

The overall tone of the campaign was moderate, with a few instances of inflammatory exchanges reported by OSCE/ODIHR EOM observers, mainly during the last week of the campaign, when the political exchange became more heated and occasionally vitriolic. The DPS leadership and PzP leader Nebojša Medojević attacked each other in a harsh and at times personal manner. This deterioration of the style of some political leaders was criticized in the media and by the domestic monitoring organization Center for Democratic Transition (CDT), which called on the campaigners to stop and return to the modest style which had characterized most of the campaign period.

Several opposition parties claimed that the authorities put undue pressure on voters and candidates. The first such controversy was connected to the transfer of some 70 police officers to new duty stations. The opposition claimed that these officers were transferred because of their pro-union stance during the referendum, and called for a session of the security committee of the Parliament and a report of the Minister of Interior to the committee. The Minister of Interior, supported by the Director of Police, rejected the accusations during the committee meeting, saying only six policemen had filed complaints on “social grounds” and that such transfers are a regular and frequently-exercised practice determined by the needs of the police. However, 15 officers submitted notarized statements to the EOM saying that their superiors had put undue pressure on them before the referendum.

In a second case, the PzP alleged that its mayoral candidate in Bar has been dismissed from his position at the Port of Bar for political reasons. While this claim could not be substantiated and the person’s employment contract had apparently expired in early 2004, questions remain about the timing of the decision. The EOM also received a number of general allegations, none of which could be proven, of pressure being put on voters by state and local authorities or political parties.

Some police interventions which took place during the pre-election period and focused on politicians and party activist were criticized by opposition parties as politically motivated, with the aim to put pressure on their members and voters. On the evening of 31 August, seven members of the SNP–NS–DSS coalition’s campaign marketing team were approached by the police as they were leaving a private radio station where they attended a political program. They were taken by the police to their office for informal questioning and were allowed to leave after some hours. On 7 September, the police questioned PzP leader Medojević about alleged tax evasion. This police interview was initiated by a prosecutor’s office on the basis of anonymous information. Mr. Medojević brought the case to the public’s attention and rejected the investigation as politically motivated.

The most far-reaching police operation during the campaign occurred on the day before the elections. Special police conducted – under court order – a raid of six houses in the Albanian-populated Podgorica sub-municipality of Tuzi. Two parliamentary candidates of the Albanian Alternative, as well as several of the group’s supporters and activists, were detained on charges of forming a terrorist organization and preparing terrorist acts for the night of the elections. Notwithstanding the seriousness of the allegations and the rationale of the operative decision, the high-profile police operation in the center of their community, the detention of well-known political candidates and a continuing visible police presence certainly had an influence on voters in Tuzi. Positively, all reports from

election day described the election process in polling stations in Tuzi as peaceful and orderly, although some observers noted a tense atmosphere.

## **IX. MEDIA**

### **A. MEDIA LANDSCAPE**

Some 70 broadcast media, including more than 20 public TV or radio channels broadcasting nationwide or locally, operate in Montenegro. While not all audiovisual media provide coverage of political events, citizens have access to relevant information through public media, especially the nation-wide public broadcaster Radio-Television of Montenegro (RTCG), and through some private TV and radio channels. Information about political developments is also offered by print media outlets, in particular by four daily newspapers, of which one, *Pobjeda*, is still state-controlled.

RTCG, consisting of two TV and two radio channels, operates as a nation-wide public broadcast service, following the implementation of a set of media legislation adopted by the Montenegrin Parliament in 2002. The media legislation also provides for the creation of local public media outlets. All privately-owned broadcast media currently operating in Montenegro are registered and licensed with the Broadcasting Agency of Montenegro. This state body is also in charge of their supervision. No licensing process is required to publish a newspaper.

### **B. REGULATORY FRAMEWORK**

The legal framework for the campaign in the media is governed primarily by the Election Law and the existing media legislation. According to the Election Law, citizens have the right to be informed about candidates' activities and campaign programs through the media. Contestants have the right to equal access to the election programs of the public media in order to inform voters about their campaign programs and activities. While private media are not obliged to provide equal coverage of contestants, all the media, if providing paid advertising, are required to offer the same conditions to all contestants.

Campaign-coverage rules adopted by RTCG on 27 July were inconsistent with the relevant requirements stipulated in the legal framework. Contrary to existing legislation (the Election Law as well as media laws and related regulations), the RTCG rules provided for proportional rather than equal access for contestants. The RTCG rules favored parties and coalitions with stronger representation in parliament over other parties, providing the least amount of coverage to non-parliamentary parties. This rule was designed to be applied for contestants' access to the RTCG debates, as well as to coverage of public appearances of contestants in special free-of-charge campaign programs. Non-parliamentary parties, in particular the PzP, strongly criticized these rules, but did not file any official complaints. Based on the results of public opinion polls, which ranked PzP among the more popular parties, RTCG provided PzP with more coverage than other non-parliamentary parties.

On 24 August, after the official campaign period had commenced, RTCG decided to provide all competitors with additional time and to devote more coverage to activities of non-parliamentary parties. While this was a positive step aiming at more equal coverage of all contestants, it still did not result in the public broadcaster fully meeting the requirements of the law. Several local public media, in contrast, allocated free airtime on an equal basis.

### C. OSCE/ODIHR EOM MEDIA MONITORING

The OSCE/ODIHR EOM conducted qualitative and quantitative analyses of primetime broadcasts of six TV stations – public television TVCG1, and private TV channels Elmag, IN, MBC, Montena and Pink M. In addition, four daily newspapers, the privately-owned *Dan*, *Republika*, and *Vijesti* as well as state-owned *Pobjeda*, were also analyzed. The EOM launched its media monitoring on 10 August.

Despite the low-key campaign which intensified in the media only during the last week prior to election day, citizens were able to receive sufficient information about political parties and their campaign activities through the media.

Apart from the coverage of the contestants and their campaigns in special election programs and debates aired on RTCG, voters were provided with information about contestants in the regular news and current affairs programs of private media outlets. TV MBC, for instance, provided extensive coverage of political issues in its non-paid talk show program “Gong”, aired frequently during the campaign period. Election-related and political issues, together with paid airtime, accounted for up to 13 per cent of the total primetime broadcasts on TV IN and Montena, and up to around 20 per cent on TVCG1, TV MBC and TV Elmag. Apart from paid programs, Pink M did not provide any coverage of the campaign and the elections.

Overall, the extent of media coverage of political parties favored the governing parties and the leading opposition parties. This was not only due to the tendency of the media to focus on contestants with higher scores in opinion polls, but also due to the significant differences in the intensity and visibility of the various contestants’ campaigns. Furthermore, some contestants did not take advantage of the free airtime, including in debate programs, provided to them by the local public media.

In the news programs of the monitored TV channels, representatives of the election administration received between 4 and 7 per cent the time dedicated to coverage of political actors and election protagonists. Regrettably, there was no voter education campaign in the media.

Paid advertising was used extensively by political parties, but only during the last weeks prior to election day. The exception was PzP, which launched a visible paid campaign in private TV Elmag about a month prior to election day. The DPS–SDP and SNP–NS–DSS coalitions, the Serb List and PzP appeared to be using paid campaign coverage much more extensively than other parties and coalitions.

TVCG1’s coverage of contestants’ campaign activities in special election programs, as well as the conduct of the debates on TVCG1, were generally in line with the rules adopted by the nation-wide public broadcaster. As provided by the rules, the DPS–SDP and SNP–NS–DSS coalitions received the biggest amount of coverage in TVCG1’s election programs. TVCG1 also organized two election debates in the Albanian language.

The tone of the coverage of contestants in TVCG1’s programs was mostly neutral or positive, but the coverage of political actors in TVCG1 news programs was disproportionately in favor of the ruling parties and the Government. While the Government and its representatives received 44 per cent, the President 8 per cent and the DPS–SDP coalition 20 per cent of the relevant news coverage, the SNP–NS–DSS coalition, the Serb

List and PzP received 8, 4, and 2 per cent, respectively. Furthermore, the Government received positive coverage in the documentary “From Elections to Elections”, which featured Montenegrin political developments over the past four years. In the month preceding the elections, this four-part documentary was aired twice during prime time on TVCG1.

Similarly to TVCG1, the news programs of TV IN also gave extensive coverage to the Government (37 per cent of relevant news coverage). While the DPS–SDP coalition received 22 per cent, the coalition of SNP–NS–DSS received 10 per cent, the Serb List 5 per cent, and PzP 3 per cent of the relevant political coverage on TV IN newscasts. News programs of the TV channels Montena and MBC also concentrated more on the ruling parties and the Government, although they gave more coverage to opposition parties than TVCG1 and TV IN. In MBC news, the DPS–SDP coalition was given 31 per cent of coverage; the SNP–NS–DSS and the Serb List received 15 and 8 per cent, respectively. The LP–BS coalition received 6 per cent of the time dedicated to political and election issues. TV Montena gave 34 percent of its relevant political coverage to the Government, and the DPS–SDP coalition received 20 per cent. The SNP–NS–DSS coalition was given 10 per cent, the LP–BS 7 per cent, and the Serb list and PzP each 5 per cent of the coverage in the news of TV Montena.

Of all the monitored TV channels, TV Elmag gave to the opposition the biggest share of its news coverage. While the DPS–SDP was provided with 17 per cent, the SNP–NS–DSS coalition received 16 per cent, PzP 11 per cent and the Serb List 9 per cent of the news coverage. The Government received 26 per cent of the news coverage. Elmag TV presented more critical information than other TV channels; however this negative tone of the coverage was directed at the entire political spectrum.

In general, the DPS–SDP and SNP–NS–DSS coalitions received the largest amount of media coverage, while the League of Communists and lists competing for the vote of minorities, especially the Albanian Alternative and Forca, received the least or almost no coverage. Among prominent politicians, Prime Minister Milo Đukanović and Miomir Mugoša, the DPS candidate for Mayor of Podgorica, were presented most extensively in the majority of the monitored media outlets.

The newspapers monitored by the EOM presented a variety of political views. They also provided the public with informative overviews of the contestants’ political platforms. Compared to the broadcast media, newspapers presented more critical and analytical information about the political actors.

State-owned *Pobjeda* and privately-owned *Republika* gave extensive coverage of the Government and the DPS–SDP coalition. In *Pobjeda*, the Government received 31 per cent and the DPS–SDP coalition 35 per cent of the relevant political coverage. *Republika* provided the Government and the ruling coalition with 37 and 31 per cent, respectively. The SNP–NS–DSS coalition, the Serb List and PzP together received up to 20 per cent of the relevant political news published by these newspapers.

Compared to all other newspapers, the opposition received the highest amount of space in *Dan*, which at the same time frequently criticized the Government. In this newspaper, which sympathizes with the opposition, the SNP–NS–DSS coalition received 21 per cent, the Serb List 13 per cent and PzP 6 per cent of the relevant coverage of political actors. The DPS–SDP coalition was provided with 23 per cent. In *Vijesti*, the DPS–SDP coalition was covered on 32 per cent, while the main opposition parties SNP–NS–DSS, PzP and



Serb List received a total of 29 per cent of the relevant political space. The Government received 21 per cent in *Vijesti*.

Although the EOM did not note any direct campaigning in the media during the campaign-silence period, the newspapers *Pobjeda*, *Republika* and *Vijesti* published during this period a number of articles featuring prospective commercial plans and projects in which ruling politicians were portrayed. At the same time, *Dan* was critical towards the Government and gave space to the opposition politicians. Also, the campaign silence period was not respected by the local public TV in Nikšić which aired twice within the campaign-silence period a 50-minute program with the Mayor of Nikšić, who was running for reelection as the DPS candidate.

The press conference of the International Observation Mission was generally well covered in the media; however, the reports of some broadcast media, including public TVCG1, lacked balance and focused their coverage primarily on the positive findings.

## **X. COMPLAINTS AND APPEALS**

Few complaints and appeals concerning the parliamentary elections were filed at the Republican level. Some opposition parties claimed it was futile to rely on legal processes for redress of violations.

The legal deadline for filing an appeal with the Constitutional Court is 24 hours, which is too short to fully protect suffrage rights. Further, it is not clear when the deadline for filing a complaint with an election commission expires because the Election Law provides that either a “decision” or “act” triggers the start of the deadline. It is possible for there to be a formal “decision” on an earlier “act”. Thus, there would be two possible deadlines arising from a single occurrence. It is not clear which would be the one to triggers the commencement of time for the deadline. This should be clarified in the Election Law.

## **XI. PARTICIPATION OF NATIONAL MINORITIES**

According to the 2003 census, 43 per cent of Montenegro’s population identified themselves as Montenegrins, 32 per cent as Serbs, 12 per cent as Bosniaks and Muslims, 5 per cent as Albanians, 1 per cent as Croats, while 7 per cent were categorized as “others”. The Roma population is estimated to be around 20,000, including refugees from Kosovo. The Albanian population is concentrated mainly in Ulcinj and Plav and the Tuzi district of Podgorica. The Bosniak population lives predominantly in the northern part of the country, in the municipalities of Berane, Rožaje and Bijelo Polje.

The integration of national minorities in Montenegro into the Republic’s electoral and political processes has generally been positive. A number of mainstream parties have had some success in integrating national minorities in their ranks and historically have had a strong appeal to national minority voters. In addition, a number of political parties or civic initiatives, including five from the Albanian community, one from the Croat community and one from the Bosniak community, played an important role in providing voters belonging to national minorities with a high level of choice by participating in these elections. In these elections, some minority parties formally allied themselves with mainstream parties: the Bosniak Party rejected an offer of the ruling coalition for two safe

seats and ran in a coalition with the multi-ethnic Liberal Party instead, while the Croatian Civic Initiative was given one slot on the DPS–SDP list.

As in previous elections, the Roma community did not develop a political profile of its own and seemed open to institutional influence. OSCE/ODIHR observers reported instances in which community leaders were approached by mainstream parties in order to mobilize Roma voters and bring in additional votes. The Roma community and their concerns and needs have yet to be taken up by political parties.

Parties representing minority communities focused their campaigns on issues impacting on their own communities and on intra-ethnic issues, especially in areas where they make up a majority of the population. The main issues included calls for equitable representation for their communities in institutions, including the Parliament, municipal assemblies and other state institutions such as the police, judiciary and educational facilities, as well as further decentralization of local self-government. Discussions on inter-ethnic relations were largely absent from the election campaign. This is in marked contrast to the referendum campaign, which saw a strong, and sometimes negative, focus on inter-ethnic relations.

However, the post-referendum period and the election campaign witnessed a new development with regard to parties of the Serb List, which based much of their program on demanding minority rights for, and defending the rights of, Serbs in Montenegro. The Serb List raised allegations of discrimination in areas such as language usage, cultural issues and the role of the Serbian Orthodox Church and called for, *inter alia*, cultural and educational autonomy and defining the Serb language and Cyrillic alphabet as official in the Constitution.

The attempt of the Government to correct the imbalance in the representation of national minorities by replacing special regulations, especially for the Albanian community, with guaranteed seats for Albanians, Bosniaks and Croats failed. The Constitutional Court declared relevant provisions of the Law on Minority Rights and Freedoms as unconstitutional. This has raised some concerns and frustration among political representatives of national minorities.

The Albanian community continues to be the only group enjoying special provisions in the election process through the election of MPs based on votes cast in specially designated polling stations. The changes made ahead of these elections to the number of seats allocated from votes cast in these polling stations has again highlighted inconsistencies in the system to ensure the representation of national minorities in Parliament. In particular, the current system is limited only to ensuring representation of the Albanian community and does not include any other national minority in Montenegro, such as the Bosniaks, Croats or Roma. In light of these inconsistencies in the law and the political debate which has surrounded the Constitutional Court's striking down the provisions for reserved seats, the newly-elected Parliament should review the current system in order to improve national minority participation in the electoral process.

## **XII. PARTICIPATION OF WOMEN**

While the Constitution of Montenegro and domestic legislation guarantee equal civil and political rights to all citizens of Montenegro, women continue to play a marginal role in public and political life. Despite repeated OSCE/ODIHR recommendations to improve the representation of women in Parliament, municipal assemblies and election administration

bodies, there is still no legal provision ensuring a minimum participation of women as candidates in elections. Adherence to the Declaration on Gender Equality signed by political parties before the referendum was not even considered for these elections.

In the September 2006 elections, some 14.6 per cent of women candidates (109 out of 747 candidates) were put forward by the 12 competing lists. This represents a decrease of 1.6 per cent compared to the 2002 parliamentary elections, when the share of women candidates was 16.2 per cent. Out of the 22 parties which contested the 2006 elections alone or in coalition, only one, the Croatian Civic Initiative, is led by a woman. No serious measures to improve the participation of women and increase their number on candidate lists were taken for these elections, with the exception of the Liberal Party.

The lists with the highest proportion of women candidates were those submitted by the Liberal Party-Bosniak Party coalition (25.9 per cent) and the Movement for Changes (19 per cent). The lowest share of women candidates was found on the lists of the Albanian Alternative (3.7 per cent), the Communists (6.2 per cent) and the Serb List (9.9 per cent). The number of women candidates proposed by the leading coalitions of DPS–SDP and SNP–NS–DSS was slightly above the average. Overall, women played a marginal role during the campaign and had a low public profile.

There was a similarly low level of participation of women in election commissions and Polling Boards. There were only eight women in the REC composition, out of the total of 39 members (including deputies and extended members). There were no women PB members present in over 40 per cent of polling stations visited by international observers, and a woman chaired a PB in just 16 per cent of the polling stations observed.

After the announcement of the final results, a total of 7 women entered the new Parliament (9 per cent of 81 seats), which is even less than in the outgoing parliament, where 10 of the 75 MPs were women (13 per cent). Four of them represent the ruling coalition, 2 the Movement for Changes and 1 the Serb List.

### **XIII. DOMESTIC NON-PARTISAN OBSERVERS**

The legislative framework provides for unimpeded access of international and domestic observers to observe preparations and conduct of the elections. The REC accredited domestic and international observers in line with the law and without obstacles.

Montenegro has a well-established civil society, including a number of organizations that have extensive experience in non-partisan election observation, such as the Center for Election Monitoring (CEMI) and the Center for Democratic Transition (CDT). Domestic non-partisan observer groups undertook comprehensive, long-term observation of the election process, extensive coverage of polling stations on election day, and quick count and parallel vote tabulation exercises. Such active public participation strengthened the transparency and public credibility of the election process.

Domestic non-partisan observers were present in the majority of polling stations visited by IEOM observers during the opening, voting and count procedures. During opening, domestic observers were present in 72 per cent of polling stations visited (in 65 per cent from CEMI, in 22 per cent from CDT and in 18 per cent from other organizations), in 81 per cent of polling stations visited during voting hours (71 per cent from CEMI, 21 per cent from CDT and 10 per cent from other organizations), and in 97 per cent of polling

stations where the count was observed (90 per cent from CEMI, 31 per cent from CDT and 10 per cent from other organizations).

#### **XIV. VOTING AND COUNTING**

##### **A. INTRODUCTION**

A generally calm atmosphere was reported by IEOM observers on election day. Polling stations were open for voting from 08:00 to 21:00 hrs. Voter turnout was 71.37 per cent.

Observers visited 816 polling stations in all 21 municipalities during voting hours (62.8 per cent of all polling stations), out of which 369 in urban and 407 in rural areas (observers did not specify the location for the remaining visits). Opening procedures were observed in 74 polling stations, and the vote count in 80 precincts in all municipalities.

Polling Board members appointed by political parties were present in virtually all polling stations, mostly from the DPS–SDP and the SNP–NS–DSS coalitions, and to a lesser extent from the Serb List. Members appointed by other parties were identified less frequently, which can in many cases be explained by lack of resources. However, it appears to be at least partly due to the REC’s decision to not remunerate “extended” PB members for their work.

International observers witnessed one instance – in Berane – of suspicious activities which strongly indicated a vote-buying scheme on behalf of the DPS. The authorities did not intervene in this case although it was brought to their attention by representatives of the opposition. In addition, observers received, both before and on election day, numerous allegations of such practices. While these claims could not be substantiated, the frequency with which they were brought to the attention of the OSCE/ODIHR EOM would indicate at least a climate of mutual mistrust.

##### **B. OPENING AND VOTING PROCESSES**

International observers assessed opening procedures as “good” or “very good” in 94 per cent of polling stations visited for the opening. However, in a few cases, they reported procedural violations, including failure to show to all persons present that the ballot box was empty (11 per cent), and one case where the control slip was not signed by all PB members and the first voter and then deposited in the ballot box according to procedure. More frequently, observers reported minor problems such as failure to draw lots to assign the duties of PB members. In none of the polling stations visited for the opening were ballots arranged in the sequence of the serial numbers on the control coupons. In three polling stations, unauthorized persons were present during opening procedures. Some 12 per cent of polling stations where opening was observed did not open for voting at 08:00 hrs.

Polling was evaluated positively by international observers in the vast majority of polling stations visited. Overall, observers assessed the process as “good” in 38 per cent of polling stations visited and as “very good” in 60 per cent. Only in 2 per cent the evaluation was “bad” or “very bad”. Adherence to procedures, circumstances in the polling stations, and voters’ and PB members’ understanding of the voting process was assessed overwhelmingly positively.

Measures to safeguard the integrity of voting were implemented largely in conformity with legal requirements. However, in spite of the generally positive picture, cases of irregularities were observed. Problems were identified with voters not being checked for traces of invisible ink, or the ink not being applied (3 and 4 per cent, respectively). Additionally, voters' IDs were not always checked (1 per cent), the ordinal number next to their names was not always circled on the voter list (3 per cent), or not all voters signed the voter list upon receiving a ballot paper (4 per cent). In 3 per cent of polling stations visited, observers reported what appeared to be identical signatures on the voter list. In 6 per cent, the ballot boxes were not sealed properly.

The secrecy of the vote was not always maintained. In 6 per cent of polling stations visited, not all voters marked their ballots in secret, and in 9 per cent, they did not deposit the ballot in the ballot box themselves. In 8 per cent of polling stations, group or family voting was observed. Additionally, IEOM observers reported isolated cases of proxy voting, and three reports contained indications of carousel voting.

In 4 per cent of polling stations visited, unauthorized persons were present, usually party activists. Only three reports noted that such unauthorized persons actually interfered with or directed the process. Campaign material was seen within 50 meters of a polling station in 6 per cent of visits, and campaign activities in the vicinity of polling stations were reported in a few observations. Observers also reported campaign material or campaign activities inside polling stations in a few instances. Two observations noted tension or unrest outside a polling station, and five inside a polling station. One report noted intimidation of voters or PB members inside a polling station.

In only 16 per cent of polling stations visited was the PB chaired by a woman, and in 44 per cent of polling stations visited, not a single female PB member was present. Interestingly, 10 per cent of polling stations without a single female PB member were evaluated negatively, in sharp contrast to the overall negative rating of only 2 per cent.

Overcrowding was reported in 3 per cent of polling stations visited. Observers reported that in some cases, for example in Ulcinj, a polling station was overcrowded while a neighboring one located in the same building did not experience such problems. This indicates the need for regular delineation of individual polling stations in order to account for voter internal migration. Access to polling stations for people with disabilities was assessed as difficult in 43 per cent of observations.

The number of voters who voted outside the polling stations, i.e. so-called homebound voters, was high (some 14,024 voters or 4.1 per cent of all voters who voted). In some municipalities, this percentage was significantly above the national average, for example in Šavnik (10.8 per cent), Plužine (14.6 per cent) and Kolašin (9.8 per cent). In the municipality of Andrijevica, the MEC had distributed 250 applications for homebound voting to PBs. Although over 100 of those were returned, the number of homebound voters in the municipality was 275. The Andrijevica MEC claimed that application forms had actually also been distributed by DPS representatives.

While the percentage of homebound voters has been high in previous elections, homebound voting in its current implementation arguably lessens the secrecy of the vote and the transparency of the process, especially if procedures are not scrupulously adhered to. Cases such as the one in Andrijevica are a clear indication that the procedures for homebound voting should be more clearly defined in the Election Law, and not by REC Regulations alone. Furthermore, better safeguards should be introduced, such as specifying

the procedures for assessing a person's eligibility to vote in this way, by introducing the requirement of a doctor's certificate supporting such a request, and by using a mobile ballot box rather than transporting ballots and election materials in envelopes.

### C. VOTE COUNT

The vote count was assessed less positively than polling, with 87 per cent of counts characterized as overall "good" or "very good" and 13 per cent as "bad". In 10 per cent of observed counts, observers rated adherence to procedures as "poor" or "very poor". PB members' understanding of the counting procedures was assessed as "poor" to "very poor" in 11 per cent of the polling stations observed, and "poor" to "very poor" organization was observed in 13 percent of the polling stations.

As during voting, procedural irregularities were noted; IEOM observers reported significant procedural errors or omissions from 18 per cent of counts observed. Such cases occurred especially during the reconciliation before opening the ballot boxes. Thus, 15 per cent of PBs did not count the unused ballots before they opened the ballot box, 24 per cent did not count the control coupons, and 33 per cent did not count the signatures on the voter list to establish the number of voters who received ballots. In some of these cases, these figures were established after the ballot boxes had been opened and in others not at all.

Observers reported one instance of the control slip missing when the ballot box was opened and one instance where the number of ballots was higher than the number of signatures on the list. They also reported five cases of what appeared to be multiple identical signatures on the voter list, and three teams observed indications of possible ballot-box stuffing.

Occasionally, the vote count proved contentious, as indicated by five reports of disagreement over the determination of valid and invalid votes (7 per cent), and eight reports of unreasonable determination of ballot validity (10 per cent). In four cases, the announced figures were not entered accurately in the protocols. In 7 per cent of observations, an unauthorized person was interfering in or directing the vote count. Observers reported one case in which a PB member was intimidated, and three cases of tension or unrest during the count.

Polling Boards had problems completing the results protocol correctly in 17 per cent of observations. In 9 per cent of counts observed, not all PB members received a copy of the protocol, and in 21 per cent, the rule that the PB chairperson and two members of the "extended" PB composition must accompany the election material to the MEC was not followed.

Procedural problems observed during election day, and especially during the vote count, clearly indicate that the process would benefit from further and more consistent training of Polling Board members.

The OSCE/ODIHR EOM undertook observation of the handover of election materials and the tabulation at the municipal level, visiting nine of the 21 MECs on election night. Observers reported that in general, MECs functioned efficiently and had a good understanding of the relevant procedures. However, observers also noted that the process was occasionally slow, especially with regards to data entry. Regrettably, the MEC in Mojkovac did not allow OSCE/ODIHR EOM observers into its premises for observation, citing lack of space and overcrowding as reasons. The Podgorica MEC submitted its results

late due to computer problems. The MEC in Plav also submitted its results to the REC past the legal deadline.

## **XV. PUBLICATION OF ELECTION RESULTS**

The REC did not publish partial or preliminary results on election night or throughout the following day.

The REC adopted the preliminary results at a session held on 12 September at 18:00 and announced them at a press conference held at 19:30 that day, i.e. more than ten hours later than the deadline stipulated in the Election Law. Regrettably, the REC chose not to publish these results on its website.

The REC published the final results of the parliamentary elections on 20 September, within the legal deadline (see Annex I for the final results) and posted them on the REC website.

## **XVI. RECOMMENDATIONS**

The following recommendations are offered for consideration by the authorities, in conjunction with political parties and civil society, of the Republic of Montenegro with a view to improving the electoral process and addressing remaining shortcomings. A number of these recommendations have already been offered in previous OSCE/ODIHR reports. The OSCE/ODIHR stands ready to assist the authorities and civil society of Montenegro to further improve the electoral process.

### **A. LEGAL FRAMEWORK**

The Election Law should be amended to:

1. Provide that mandates are distributed to candidates on a list in the order in which the candidates appear on the list. This could address the current lack of transparency and potential democratic deficit.
2. Comply with paragraph 7.5 of the 1990 OSCE Copenhagen Document, and allow citizens to stand as independent candidates individually, rather than only as participants in candidates' lists.
3. Prohibit a candidate from holding a position as a member of an election commission.
4. Provide that the three-per cent threshold for the allocation of mandates be calculated in relation to the total number of *valid* votes cast.
5. Conform to the decisions of the Constitutional Court, together with the Law on Voter Registers, Law on Financing of Political Parties, and Law on Minority Rights and Freedoms.
6. Require public posting of all election results and protocols at the polling stations and MECs, and clearly stipulate that the REC publish partial preliminary results by polling stations within regular intervals on election night and on the day after the election.
7. Clarify when the deadline for filing a legal complaint or appeal commences.
8. The deadline of 24 hours for filing an appeal with the Constitutional Court should be amended to provide a reasonable deadline that allows sufficient time for a plaintiff to adequately prepare a written appeal.

**B. ELECTION ADMINISTRATION**

9. Provisions seeking to ensure a balanced political representation on electoral administration bodies should be strengthened.
10. The requirement that all “permanent” REC or MEC members must be graduate lawyers should be reviewed.
11. The rights and duties of all members of election administration bodies should be clearly defined, including a Code of Conduct that outlines minimum standards of professional behavior to ensure objectivity and avoid conflict of interest.
12. The election administration chain of command should be clearly defined and responsibilities allocated accordingly.
13. The commission responsible for the conduct of elections should ensure that training is provided for election officials at all levels. Training on voting and counting procedures should be provided for all PB members, using consistent training materials and formats, in order to avoid procedural errors and ensure that key provisions are universally followed.
14. Parliament should delegate responsibility to a public body, preferably the commission responsible for an election, for providing neutral voter education as soon as elections are called. Voter education should include a focus on voter registration, polling procedures and the wider protection of citizens’ suffrage rights.
15. Provisional and final versions of the voter register should be displayed or made available in printed form during the period for public inspection at readily accessible locations. The voter list for each polling station should be displayed at the polling station ahead of the election day.
16. The Ministry of Justice should provide consistent guidelines to municipalities for the documentation required by a citizen to prove their eligibility as a voter and for the removal of deceased persons from the voter list.
17. The Law on Voter Registers should be amended to clarify the rights of inspection by political parties and citizens of other data held by state agencies.
18. The grounds for the dissolution of Polling Boards, annulment of results and holding of repeated voting should be reviewed and limited only to serious violations. Repeat polling should not be required if a voting irregularity could not have affected the allocation of a mandate.
19. Provisions should be made to allow for the recounting of ballots by PBs to address possible discrepancies identified in the counting of votes. MECs should be provided with clear guidelines on how to address discrepancies identified in result protocols.
20. Clearer forms for result protocols should be developed.
21. The requirement that a voter must hand their marked ballot paper to a PB member to remove the control coupon should be reviewed since the current procedure creates the potential to jeopardize the secrecy of the ballot.
22. Provisions should be made for cases where a voter spoils his or her ballot paper.
23. Polling stations should be easily accessible to all voters, including those with disabilities.
24. For cases where voters are allowed to vote outside polling stations – i.e. homebound voting – the use of mobile ballot boxes should be introduced and the application for casting a homebound vote should be accompanied by a medical certificate, issued by a qualified physician not later than 48 hours before the deadline for submitting the application. Application forms should be designed and issued by the REC and made available to voters through election administration bodies only.



**C. CAMPAIGN REGULATIONS**

25. The Election Law should be amended to remove the prohibition on campaign speech that is offensive, slanderous, or breaches the rules of decency.
26. The ten day ban on opinion polls before the elections is excessive and should be reduced.
27. Provisions in the Law on Financing of Political Parties should be improved to ensure that sufficient funds are available for all electoral contestants to compete effectively in an election campaign.

**D. PARTICIPATION OF NATIONAL MINORITIES**

28. Parliament should reconsider the current system of allocating a certain number parliamentary seats based on the results in specially designated polling stations. The current system favors only one of Montenegro's national minorities, while keeping it dependent on the parliamentary majority which designates these polling stations before each election.
29. The use of bilingual election material could be extended to all areas where minority languages or scripts may be used by a significant part of the local population.
30. The authorities should implement the OSCE Action Plan on Roma and Sinti, especially Chapter VI, "Enhancing Participation in Public and Political Life".

**E. PARTICIPATION OF WOMEN**

31. Parliament may wish to consider the introduction of gender quota for candidate lists and election administration bodies in order to increase the participation of women in the electoral process.
32. Civil society, political parties and the authorities should encourage the participation of women through gender-sensitive voter education and training programs.

**F. MEDIA**

33. The legal framework should be changed to oblige public media to provide free airtime in a fair and non-discriminative manner, on the basis of transparent and objective criteria. Public media should in any case adhere to existing legal provisions regarding campaign coverage in the media.

## Annex 1

### Official Results of the 10 September 2006 Parliamentary Elections

<b>Number of voters included in voters list</b>	484,430
<b>Number of voters who turned out to vote</b>	345,757
<i>Turnout in percent</i>	71.37%
<b>Number of voters who voted in polling stations</b>	331,733
<b>Number of voters who voted outside polling stations</b>	14,024
<b>Number of ballot papers received (by PBs)</b>	484,927
<i>of which for voting of prisoners and detainees</i>	498
<b>Number of unused ballots</b>	139,170
<b>Number of used ballots</b>	345,757
<b>Number of valid votes</b>	338,835
<b>Number of invalid votes</b>	6,922
<i>Invalid votes in percent of votes cast</i>	2,00%

<b>Electoral List</b>	<b>Votes</b>	<b>Percent of all votes</b>	<b>Percent of valid votes</b>	<b>Mandates</b>
Coalition for a European Montenegro–Milo Đukanović – DPS–SDP	164,737	47.65%	48.62%	41
League of Communists of Yugoslavia – Communists of Montenegro	2,343	0.68%	0.69%	0
Serb List – Andrija Mandić	49,730	14.38%	14.68%	12
Coalition Democratic Alliance in Montenegro–Party of Democratic Prosperity – Mehmet Bardhi	4,373	1.26%	1.29%	1
Democratic Party of Montenegro – The Part That You Miss	1,284	0.37%	0.38%	0
Albanian Alternative	2,656	0.77%	0.78%	1
SNP–NS–DSS Coalition	47,683	13.79%	14.07%	11
Forca	2,197	0.64%	0.65%	0
Liberals and Bosniak Party – Correct in the Past, Right for the Future – Miodrag Miko Živković	12,748	3.69%	3.76%	3
Movement for Changes – Nebojša Medojević	44,483	12.87%	13.13%	11
DUA – Ferhat Dinoša	3,693	1.07%	1.09%	1
Civic List	2,906	0.84%	0.86%	0
<b>Total</b>	<b>338,833</b>	<b>98.00%</b>	<b>100.00%</b>	<b>81</b>

[Source: Republican Election Commission]

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the 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 Document).

The 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 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance** and **non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The 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.

The 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. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

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)).