



Office for Democratic Institutions and Human Rights

REPUBLIC OF MONTENEGRO

PRESIDENTIAL ELECTION

6 April 2008

OSCE/ODIHR Election Observation Mission
Final Report



Warsaw
1 September 2008

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	1
II. INTRODUCTION AND ACKNOWLEDGEMENTS.....	2
III. POLITICAL BACKGROUND.....	3
IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK.....	4
V. ELECTION ADMINISTRATION.....	5
VI. VOTER REGISTRATION.....	5
VII. CANDIDATE REGISTRATION.....	6
VIII. ELECTION CAMPAIGN.....	7
A. CAMPAIGN FINANCE.....	8
IX. MEDIA.....	8
A. MEDIA ENVIRONMENT.....	8
B. LEGAL FRAMEWORK.....	9
C. OSCE/ODIHR EOM MEDIA MONITORING.....	10
X. PARTICIPATION OF WOMEN.....	11
XI. PARTICIPATION OF NATIONAL MINORITIES.....	11
XII. DOMESTIC AND INTERNATIONAL OBSERVERS.....	12
XIII. COMPLAINTS AND APPEALS.....	12
XIV. VOTING AND COUNTING.....	13
A. POLLING PROCEDURES.....	13
B. COUNTING PROCEDURES.....	14
C. TABULATION PROCEDURES.....	14
XV. ANNOUNCEMENT OF ELECTION RESULTS AND POST-ELECTION DEVELOPMENTS.....	14
XVI. RECOMMENDATIONS.....	15
A. LEGAL FRAMEWORK.....	15
B. ELECTION ADMINISTRATION.....	16
C. ELECTION CAMPAIGN.....	16
D. MEDIA.....	16
E. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES.....	16
F. VOTING PROCEDURES.....	17
ANNEX: OFFICIAL ELECTION RESULTS.....	18
ABOUT THE OSCE/ODIHR.....	19

REPUBLIC OF MONTENEGRO
PRESIDENTIAL ELECTION
6 April 2008

OSCE/ODIHR Election Observation Mission Final Report

I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs of the Republic of Montenegro to observe the 6 April 2008 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 27 February 2008, consisting of 25 experts and long-term observers, further supported by the arrival of 144 short-term observers for election-day observation. For election day observation, the OSCE/ODIHR formed an International Election Observation with a delegation from the Parliamentary Assembly of the Council of Europe (PACE). The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments, other international standards and domestic legislation.

In their Statement of Preliminary Findings and Conclusions, made on 7 April, the OSCE/ODIHR and the PACE stated that nearly all aspects of the election were found to be in line with OSCE Commitments and Council of Europe standards for democratic elections. The continued evidence of a blurring of state and party structures, however, remains contrary to the 1990 Copenhagen Document.

The 6 April election was Montenegro's first presidential election since independence in 2006 and was held under a new Constitution, adopted in 2007. The legal framework was generally adequate for the conduct of democratic elections. However, not all aspects of the electoral legislation have been fully harmonized with the new Constitution. In addition, campaign finance regulations are not sufficiently delineated to ensure adequate transparency and oversight.

The election was administered by a three-tiered election administration, which worked in an open and collegial manner throughout the course of the election and met all legal deadlines. Significant oversight and transparency measures exist, including pluralistic political representation in election administration bodies that help increase confidence in the election process. However, continuous efforts are necessary to keep the voter register, which is generally in good order, up-to-date and current, especially in light of significant constitutional changes regarding voter rights. A dearth of voter education programmes from either election commissions or civil society is an element that should be remedied.

The election campaign took place in a calm environment. Candidates campaigned actively, with a focus on fundamental issues of domestic and foreign policy. Basic rights of freedom of movement and assembly were respected and all candidates were able to campaign freely. The registration of four candidates offered voters a genuine choice. An inclusive approach was also taken by all candidates towards voters from national minorities, and inflammatory language or strong nationalist rhetoric was largely absent from the campaign. The campaign environment, however, was coloured by persistent allegations of electoral malpractice. Although not substantiated to the OSCE/ODIHR EOM, such pervasive allegations impact upon public confidence. Whilst by their nature, they are difficult to prove or disprove, the authorities took no clear action to allay suspicions.

The media offered voters a substantial degree of information on candidates, so that they were able to make an informed judgement about all candidates. Media outlets in Montenegro are active and varied and there are no formal restrictions to their activities. However, the limited news sources and focus on light entertainment creates a media environment that could be more rigorous and analytical in its reporting.

On election day, voting took place in an orderly and peaceful manner. Observers visited 654 polling stations and evaluated the process as good or very good in some 97 per cent of cases. Only one effort to influence voters was noted. Procedural points were generally followed, with voters being checked for ink in more than 99 per cent of cases, and identification documents checked in nearly 100 per cent of cases. However, ballot boxes were noted as not being properly sealed in some 20 per cent of polling stations visited and unauthorized persons were observed in nearly 9 per cent. The OSCE/ODIHR EOM observed the closing and counting process in 64 polling stations. Some procedural problems were observed during the counting process, with observers reporting the count as good or very good in some 87 per cent of cases. Observers assessed the overall conduct of the tabulation at Municipal Election Commissions (MEC) positively in all cases.

This report offers findings and recommendations for the further improvement of the conduct of elections in Montenegro. The OSCE/ODIHR remains ready to support the efforts of the Montenegrin authorities and civil society to conduct elections in line with OSCE commitments.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs of the Republic of Montenegro to observe the 6 April 2008 presidential election, the OSCE Office for Democratic Institutions and Human Rights deployed an Election Observation Mission on 27 February 2008. It was headed by Mr. Julian Peel Yates and consisted of 25 experts and long-term observers (LTOs) from 18 OSCE participating States, covering all 21 municipalities. The OSCE/ODIHR EOM was further enhanced by the arrival of 144 short-term observers (STOs).

For election day observation, the OSCE/ODIHR formed an International Election Observation with a delegation from the Parliamentary Assembly of the Council of Europe (PACE), led by Mr. David Wilshire (UK). On election day, some 180 observers from 42 OSCE participating States were deployed, who visited 654 of 1,141 polling stations and observed counting in 64 polling stations. The tabulation process was also observed in 13 of 21 MECs.

The OSCE/ODIHR and the PACE assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, and with domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions released at a press conference on 7 April 2008.¹

The OSCE/ODIHR EOM is grateful to the Ministry of Foreign Affairs, the State Election Commission, and to political parties and civil society in Montenegro for their co-operation. The OSCE/ODIHR EOM also wishes to express its appreciation to the OSCE Mission to Montenegro for their ongoing support, as well as diplomatic representations of OSCE

¹ This statement is available on the OSCE/ODIHR website (www.osce.org/odihr), as are the reports of previous election observation missions deployed by the OSCE/ODIHR since 1996.

participating States and international organizations in Montenegro for their co-operation throughout the course of the mission.

III. POLITICAL BACKGROUND

The 6 April presidential election was called by the Speaker of Parliament, Mr. Ranko Krivokapić, on 17 January 2008. The election was the first presidential vote to be held since the country's 2006 independence referendum and under a new Constitution, adopted in October 2007.

The Democratic Party of Socialists (DPS) has been the principal party of government in Montenegro since 1991, ruling in coalition with the Social Democratic Party (SDP), led by the parliamentary speaker, Mr. Krivokapić. Two smaller parties, the Croatian Civic Initiative (HGI) and the Democratic Union of Albanians (DUA) are also represented in the current government.

Twelve other political parties in parliament stand in opposition to the governing coalition. The strongest is the Movement for Change (PzP) led by Mr. Nebojša Medojević, formed after independence in 2006, with 11 parliamentary seats. The Serb People's Party (SNS) of Mr. Andrija Mandić holds 9 seats in parliament and campaigned together as the Serb List in 2006 with the Peoples Socialist Party (NSS), the Democratic Party of Unity (DSJ) and the Serbian Radical Party (SSR). Other parties in the opposition include the Socialist Peoples' Party (SNP), active in Montenegrin politics since the late 1990's, the Peoples Party (NS) and the Democratic Serbian Party (DSS). The Liberal Party of Montenegro (LPCG), the Bosniak Party (BS), the Democratic League in Montenegro (DSCG), and the Albanian Alternative (AA) are also represented in the current parliament.

Mr. Filip Vujanović, the incumbent president from the governing DPS, registered to stand for a second term of office and was challenged by three other candidates. Mr. Medojević from the PzP, Mr. Mandić representing the Serb List (SL), and Mr. Srdjan Milić of the SNP.

Previous divisions over issues of statehood were largely ameliorated by the time of the presidential election and all candidates approached the election with constructive policy programmes, focusing on the economy, European integration, investment and development, and social welfare issues. However, the major political divisions between parties and candidates continue to be defined in terms of national and group identity. The Montenegrin opposition, although unified in its criticism of the government, remains politically divided and polarized. While the declaration of independence of Kosovo was a significant regional issue and one which affected both ethnic Serb and ethnic Albanian parties, the issue remained muted in the run-up to the election.

Shortly after the calling of the election, Prime Minister Željko Šturanović resigned for health reasons. He was replaced by Mr. Milo Đukanović, leader of the DPS and a former president and prime minister. The new government was formed on 29 February 2008.

The presidential election coincided with local elections in Tivat and Herceg Novi. The local elections were followed by the OSCE/ODIHR EOM only to the extent that they affected the conduct of the presidential election.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The Montenegrin president is elected by an absolute majority of valid votes cast. If no candidate receives the requisite number of votes, a second round of voting takes place 14 days after the first round between the two candidates who received the highest number of votes. In the second round, the candidate who receives the highest number of votes cast is elected.

The legal framework for this election was generally adequate for the conduct of democratic elections. A new Law on the Election of the President (LEP) was passed in December 2007 and important aspects of the electoral process are governed by the Law on the Election of Councillors and Representatives (LECR), last amended in July 2006. Other legislation regulating the presidential election includes: the Constitution of the Republic of Montenegro (2007), the Law on the Register of Electors (LRE) (2000), the Citizenship Law of the Republic of Montenegro (1999), Media and Broadcasting Laws (2002, 2004) and applicable regulations and decisions of the State Election Commission (SEC).

The Montenegrin parliament adopted a new Constitution in October 2007. However, not all aspects of the legal framework for the presidential election were fully harmonized with the new Constitution. In some instances this affected the implementation of the legal framework by public institutions.

One law that remains to be harmonized is the LRE. The 2007 Constitution only grants voting rights to citizens of Montenegro, but the LRE provides that all eligible permanent Montenegrin residents be included in the voter register, including those with citizenship of the former Yugoslavia. In order to not disenfranchise voters registered for previous elections, the Montenegrin parliament, by consensus, temporarily extended the enforcement of the LRE. Thus, the voter register contained the names of some 25,000 Serbian citizens who have permanent residence in Montenegro. Some new registrations on the same grounds were rejected, however; approximately 60 residents who are citizens of Serbia had their requests to be added to the voter register rejected by the Administrative Court.

Last amended in 2006, the LECR lacks clarity in certain instances. It is not clear whether free airtime is to be provided by the public broadcaster and, if so, when this obligation is to commence. There are also no procedures defined for candidates to contest critical electoral-related issues, such as the abuse of state resources; the general procedures in force to address campaign issues lack the swiftness required to provide remedy before an election.

The LECR allows party representatives to request photocopies of polling station voter register extracts from MECs after the vote. This provision does not appear to sufficiently guarantee the protection of sensitive personal data, as it is marked who did and did not vote, opening the procedure to potential abuse.

Inconsistencies between the LECR and the broadcasting law draw into question the legality of some of the regulations adopted by the public service broadcaster, RTCG.² Also related to media, the 15 day deadline for Broadcasting Agency decisions on media coverage complaints during the campaign may render such decisions irrelevant, if the instance occurs late in the election process.

² For example, on the free announcement of public rallies.

V. ELECTION ADMINISTRATION

This election was administered by a three-tiered election administration: the SEC, 21 MECs and 1,141 Polling Boards (PBs) responsible for as many individual polling stations (PSs). The SEC and MECs are permanent bodies, appointed for four-year terms by parliament and municipal assemblies, respectively. The PBs are appointed by MECs for each election, ten days prior to election day.

All election administration bodies consisted of a core body, the 'permanent composition', reflecting the political composition of the body that appointed them and an extended composition, including authorized representatives of all candidates. Permanent compositions at all levels included two members from opposition parties with the highest numbers of votes in the previous elections. The SEC permanent composition consisted of a chairperson, a secretary and nine members. Each MEC was composed of a chairperson, a secretary and five members. The 1,141 PBs included a chairperson and four members. All permanent members had deputies. Extended composition members participated in the decision-making processes of the SEC and MECs fifteen days prior to election day (22 March) and five days prior to election day for the PBs (1 April). Such measures provided for political balance, enhancing confidence and heightening the transparency of the election administration.

Within PBs, however, the role and function of extended composition members was not always properly understood, both by PB chairpersons and by extended composition members themselves, who in many cases believed their role to be one of 'party observer'. This lack of clear understanding indicates the need for more consistent and comprehensive training of all election administration officials and, particularly, for extended composition members, both by the SEC and MECs and by nominating political parties.

The SEC operated throughout the election process in a collegial manner and sessions were open to both domestic and international election observers. The SEC and MECs met regularly, as necessary, and functioned well, taking all required election-related decisions within legal deadlines. The SEC published its decisions on the internet.

In contrast to international best practice, there was no legal requirement for the SEC, for MECs, or for other neutral organizations to provide voter education or to promote public awareness of citizens' rights related to suffrage and polling procedures. The SEC argued that this function was not part of its legal obligations. Nevertheless, a need for such education exists.

Overall, the work of the election administration was in line with existing legal provisions. However, a few exceptions were noted. In Bijelo Polje, the MEC chairperson was absent for long periods due to his also serving as the general secretary of parliament. Although an individual case, it highlights the need for a greater degree of accountability on the part of the election administration.

VI. VOTER REGISTRATION

Voter registration in Montenegro is passive, with the names of eligible voters added to a public voter register (VR) *ex officio* by municipal administrations on the basis of information of their

residence, eligibility and personal data from the Ministry of Interior (MoI). A period of public scrutiny of VRs, during which citizens can request amendments, is provided for by the law. Twenty-five days prior to election day, the VRs are preliminary closed. After this, changes can still be made for an additional 15 days, but only by a ruling of the Administrative Court in Podgorica. The VRs are finally closed 10 days prior to election day.

A consolidation of all municipal VRs is made by the Secretariat for Development. The Secretariat for Development integrates the data into a single national database, categorized by municipalities and PSs. It also checks for multiple entries, voting age, and incorrect or missing data, but it has no authority to edit data in the consolidated VR. If mistakes or omissions are identified, it refers the VR back to the respective municipality, advising on the corrections that are needed.

The SEC has no legal responsibility for the compilation and maintenance of the voter register, but does publish a provisional and final voter register. On 29 March, the SEC published the final VR, according to which the total number of registered voters in Montenegro was 490,412.

During the course of the observation, and contrary to previous elections, interlocutors did not raise the quality of the voter register as a serious issue of concern.

VII. CANDIDATE REGISTRATION

Any potential candidate could be nominated on the basis of the collection of supporting signatures of at least 1.5 per cent of the total electorate, calculated against figures from the last election (7,266 signatures).³

Potential candidates had to open support books, lodged at MECs, and voters who wished to support their candidacy had to sign in front of two MEC members. Several interlocutors expressed their concerns that having citizens sign in front of two MEC members may not guarantee confidentiality of political affiliation. The presidential candidate from the PzP, Mr. Medojević, unsuccessfully challenged this procedure to the Constitutional Court (see Complaints, below).

Four candidates met the signature collection criteria by the 17 March legal deadline and their order on the ballot was determined by a drawing of lots by the SEC on 19 March. These were: 1) Nebojša Medojević (PzP); 2) Andrija Mandić (SL); 3) Srdjan Milić (SNP); and 4) Filip Vujanović (DPS). The registration process was inclusive and provided voters with a genuine choice.

All four candidatures signed a code of conduct, proposed on 19 March by the Centre for Democratic Transition (CDT), a non-governmental organization. This committed candidatures to a fair and democratic election process.

³ The Council of Europe (CoE) recommends that support signatures should not exceed one per cent of all registered voters (Code of Good Practice in Electoral Matters, 2002, European Commission for Democracy through Law (Venice Commission)). The new quota is 0.5 per cent higher than in the previous law.

VIII. ELECTION CAMPAIGN

Throughout the course of the campaign, the atmosphere remained generally peaceful. The overall tone of the campaign was constructive with candidates focused on fundamental issues of foreign and domestic policy. Inflammatory language was largely absent from the campaign and nationalist rhetoric was limited. Most interlocutors noted progress in the style and quality of the political discourse compared to previous elections.

The campaign focused on issues of economy and investments, social welfare and European integration. The issue of Kosovo remained muted throughout the course of the observed campaign. It was noted to some extent by Mr. Mandić and Mr. Milić, who both visited Kosovo during the course of their campaigns. All candidates targeted a wide audience, including voters from religious and national minorities, although this was seen most prominently by Mr. Vujanović and Mr. Medojević.

Mr. Vujanović's campaign, under a slogan of "Without Dilemma", underscored his claim to provide continued security and stability. He also called for further economic development of the country. Some government representatives, including the newly re-elected prime minister, Mr. Đukanović, played an active role in the campaign. The incumbent president's party, DPS, enjoys a well developed party structure; his door-to-door campaign was very active and his campaign was highly visible throughout the country.

One problem highlighted in previous OSCE/ODIHR reports and manifest in this election was the continued blurring of division between the Montenegrin state and the governing party, DPS. Mr. Vujanović's official role as incumbent president sometimes overlapped with the activities of his candidacy. Use was made of opening state projects during his tours of the country. Mr. Vujanović's final rally took place in a building housing principal government offices and the DPS party headquarters. The DPS is purported to receive substantial rents from the government for the use of these offices.

Of the three opposition candidates, Mr. Medojević's campaign was the most dynamic, focused on issues of corruption, crime and EU integration. Mr. Mandić's campaign was also active and dealt primarily with economic development and investment. He often noted the importance of family values and of preserving traditions. Mr. Milić's campaign focused mainly on social issues and on the economy. Both Mr. Medojević and Mr. Milić's campaigns were highly critical of the current government and its policies.

Throughout the campaign, the opposition candidates made persistent allegations that unspecified individuals were offering potential opposition voters money to surrender their identity documents in order to prevent them from voting. Any such alleged actions by either individuals offering or receiving a bribe would constitute serious criminal misconduct. The OSCE/ODIHR EOM was approached by two individuals through different opposition parties, who made oral statements of having been part of such schemes. However, corroborating details could not be confirmed. As far as the OSCE/ODIHR EOM is aware, no concrete evidence has been submitted to the authorities in relation to these and other alleged cases. Such pervasive allegations, however, impact upon public confidence. Whilst by their nature, they are difficult to prove or disprove, the authorities took no clear action to allay suspicions. Opposition candidates further claimed pressure was being applied by managers of state-owned enterprises to influence voters, which the OSCE/ODIHR EOM was also unable to confirm.

All candidates campaigned extensively throughout the country, visiting all 21 municipalities. They were able to convey their policies to voters freely, without undue interference and the freedom of movement and assembly were respected. Numerous rallies were held, with the average participation of those rallies observed by the OSCE/ODIHR EOM estimated at around 350 people. The largest rallies were held by Mr. Mandić and Mr. Vujanović in Pljevlja and Podgorica. All candidates made use of posters and billboards in the campaign. Although some posters were torn down and some billboards defaced, to the knowledge of the OSCE/ODIHR EOM, no formal complaints were lodged.

A. CAMPAIGN FINANCE

The LEP provides for public funds of campaigns which succeed in polling more than 5 per cent of the vote, but leaves the amount of reimbursement to the discretion of the parliament. The Law on the Financing of Political Parties, however, calls for 0.4 per cent of the annual budget to be provided for political parties to cover the costs of the election campaign; this discrepancy was raised as an issue by opposition candidates as the amount allotted by parliament was below 0.4 per cent.

Possibly more importantly is the fact that although the law provides for sanctions for exceeding campaign spending limits,⁴ it does not clearly define those who should monitor or enforce those provisions. The law is also unclear regarding the use of political party funds for campaign purposes,⁵ thus potentially giving advantage to candidatures from parties.

IX. MEDIA

A. MEDIA ENVIRONMENT

Overall, the media environment in Montenegro offers voters a wide degree of information, helping them make an informed judgement between candidates. A variety of media outlets are active in Montenegro,⁶ partly due to a transparent and liberal approach to distribution of frequencies and the lack of restrictive licensing or registration requirements. The degree of media diversity and pluralism, however, is limited by the predominant focus of the most popular TV stations on entertainment.⁷ There is also a lack of plurality of news and information sources, despite the number of outlets; the only local news agency, *MINA*, competes for the market with several Serbian news agencies.

Interlocutors expressed their expectations that several TV stations that are to start broadcasting in 2008 could significantly increase the pluralism of information sources for citizens.⁸ In

⁴ The Law on the Financing of Political Parties, Article 21.

⁵ *ibid*, Article 3, paragraphs 1-2 and Article 5.

⁶ Including some 15 television stations, 42 radio stations, 45 print outlets and 1 news agency.

⁷ For instance, *TV Pink M*, the station with the highest audience share (27.6 per cent, according to Strategic Marketing Survey, November 2007), has an exclusively light entertainment profile, without any news or other information programmes.

⁸ *Pro TV* and *TV Fox*, both owned by international companies, have been active in the regional media sphere and have recently been granted national frequencies by the Broadcasting Agency.

particular, *TV Vijesti*,⁹ with a strong informational profile, could in the future contribute to increasing levels of information provided to Montenegrin citizens.

However, a lack of transparency over media ownership is a continuing point of concern within the media community in Montenegro. This non-transparency regarding ownership limits the possibility of voters to judge the balance and objectivity of news coverage.

B. LEGAL FRAMEWORK

The Constitution guarantees freedom of thought and expression, prohibits censorship and guarantees national minorities the right to openly express and preserve their national and religious identities, including the right to establish public media in their own languages. The LECR provides citizens with the right to be informed via the media on candidates' election programmes and provides candidates with the right to inform citizens on an equal basis in the media, including an obligation to ensure equality of information for all candidates. An electoral silence period starts 24 hours prior to election day.

A raft of media laws was adopted in 2002, which include the Broadcasting Law and a Law on Public Broadcasting Services "Radio and Television Montenegro" (RTCG). Other relevant laws include the Media Law, with general provisions on media freedom and journalistic independence, and the recently adopted Law on Free Access to Information that could strengthen the role of the media and support greater accountability and transparency in the work of public institutions.

The Broadcasting Agency of Montenegro is the regulatory authority with competencies that include defining broadcasting strategy, issuing broadcasting licenses, overseeing the work of broadcasters, and ensuring consistent application of the Broadcasting Law. The agency has the power to issue warnings, or to temporarily or permanently revoke a broadcaster's license.

According to the law, regulations on campaigning should be adopted by the RTCG Council within 15 days of an election being called. The issue became contentious due to the expiry of six council members' mandates, which caused the body to fall short of a quorum. The council remained non-functional until the seventh member was confirmed on 19 March. In the absence of regulations, however, the RTCG editorial team prepared a set of guidelines on the basis of those used in past elections. On 24 March, the Council finally adopted regulations, although well past the legal deadline.

These regulations included the provision of 30 minutes of free airtime for every presidential candidate on 25 or 26 March. They also provided for a live television debate between candidates. All four candidates participated on 3 April. However, the broadcast of the debate, which RTCG reported as having been viewed by 74 per cent of the population, was delayed by some 13 minutes. In its stead, a paid advertisement featuring Prime Minister Djukanović trenchantly criticizing Mr. Medojević was broadcast.¹⁰

⁹ *TV Vijesti* expects a frequency allocation in April 2008. The Media Development Loan Fund (MDLF) has voiced its intention to purchase a 25 per cent share in *TV Vijesti*. MDLF traditionally provides resources that enable media companies in emerging democracies to build their business without compromising editorial independence. The fund is supported, among others, by the Council of Europe and UNDP.

¹⁰ The DPS advertisement showing PM Djukanović ran from 20:51 to 21:18. After this and before the debate, two short paid advertisements for Mr. Mandić (29 seconds) and Mr. Medojević (6 seconds) were also aired.

On 29 March, RTCG stopped broadcasting Mr. Medojević's paid campaign advertisements, arguing that he had not paid outstanding debts of some 200,000 EUR. Following the payment of a quarter of this amount, RTCG resumed their broadcast on 31 March.¹¹ Mr. Medojević claimed to the OSCE/ODIHR EOM that this was done for political reasons, as he had agreed with the RTCG director to pay the 50,000 EUR by 1 April. He also stated that in previous elections his party had paid once they had received the public funding after the election. No official complaints were received regarding this issue.

C. OSCE/ODIHR EOM MEDIA MONITORING

From 3 March through election day, the OSCE/ODIHR EOM monitored broadcasts on five TV channels and analyzed the content of four newspapers¹² on a daily basis, providing both quantitative and qualitative analysis. In its media monitoring, the OSCE/ODIHR EOM found that coverage of presidential candidates in news programmes on RTCG1 slightly favoured Mr. Vujanović, with 32.73 per cent of all coverage of the presidential election. This figure refers to his role as a candidate, excluding coverage of his role as the incumbent president. The figure was in comparison to 23.70 per cent received by Mr. Milić, 22.01 per cent received by Mr. Mandić and 21.57 per cent by Mr. Medojević. When looking at the more popular of the two nightly news programmes, the prime-time *Dnevnik2*, coverage more strongly favoured Mr. Vujanović at 34.78 per cent, while Mr. Milić received 23.35 per cent, Mr. Mandić 21.09 per cent and Mr. Medojević 20.77 per cent.

TV IN, the commercial channel with the broadest coverage and highest audience ratings of the outlets monitored, favoured Mr. Vujanović in its news programmes with the candidate receiving 44.01 per cent of coverage. Mr. Medojević received 22.19 per cent, Mr. Mandić 20.64 per cent and Mr. Milić 13.17 per cent, respectively. Although NTV *Montena*, MBC and *Elmag* were monitored, their capacity to provide information to voters was limited due to less extensive geographical coverage and low audience ratings.

The quantitative monitoring of print outlets indicated that the daily newspaper *Vijesti* dedicated 32.83 per cent of its campaign coverage to Mr. Medojević, 28.37 per cent to Mr. Vujanović, 19.80 per cent to Mr. Milić and 19.00 per cent to Mr. Mandić.¹³ The daily paper, *Dan*, gave Mr. Mandić 37.52 per cent dedicated coverage, as opposed to 23.16 per cent for Mr. Vujanović, 20.65 per cent for Mr. Milić and 18.67 per cent for Mr. Medojević. The state-owned newspaper, *Pobjeda*, slightly favoured the incumbent president, Mr. Vujanović, who received 35.08 per cent of campaign coverage. Mr. Milić received 22.86 per cent, Mr. Medojević received 21.14 per cent and Mr. Mandić received 20.93 per cent. The privately-owned newspaper, *Republika*, with a significantly lower circulation rating, provided generally balanced coverage of all candidates.

Paid advertising in both national and local television was used extensively throughout the course of the campaign. At both levels, Mr. Medojević was most visible, presented in some 56.07 per cent of spots on the national TV stations monitored. Although not systematically monitored, OSCE/ODIHR EOM observers also confirmed his high visibility at the local level.

¹¹ According to RTCG, Mr. Mandić and Mr. Milić had both completely paid their outstanding debts, while Mr. Vujanović had paid approximately two-thirds of his debt.

¹² TV: public service broadcaster - RTCG1, privately owned TV IN, NTV *Montena*, MBC and *Elmag*. Newspapers: *Vijesti*, *Dan*, *Pobjeda* and *Republika*.

¹³ These figures refer to campaign coverage of presidential candidates, excluding paid space.

Although the law provides certain limitations for commercial advertising,¹⁴ the Broadcasting Agency advised the OSCE/ODIHR EOM that such limitations did not refer to political campaign advertising. As a result, during the campaign, certain candidate advertisements were up to a half hour in length and many times resulted in the postponement of regular television programming, including news programmes.

The tone in all monitored media outlets was predominantly neutral. Apart from the campaign coverage in news programmes, there was scant analytical or critical reporting and little in the way of background information for voters in the media.

X. PARTICIPATION OF WOMEN

In Montenegro, women enjoy equal rights, including the right to vote and to contest elections. Gender equality is provided for by the Constitution (Article 8) and given effect by the 2007 Law on Gender Equality. In October 2006, Montenegro joined the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the submission of the first report to CEDAW is planned for December 2008. Thus, Montenegro has instituted a legal framework aimed at protecting and promoting the participation of women in public life.

Nevertheless, the role of women in Montenegrin politics remains limited. The representation of women at senior levels within the public administration is low and a dearth of women in key decision making positions remains a continuing challenge. With the exception of the deputy prime minister, there are no women in government and only 9 of 81 members of parliament are women (some 11 per cent).

In this election, there were no female candidates. In the SEC, 3 of 11 members are women and there are two female MEC chairpersons, in Budva and Tivat. In polling stations visited on election day by observers, some 21 per cent of polling board chairpersons were women.

XI. PARTICIPATION OF NATIONAL MINORITIES

Montenegro's ethnic composition, according to the 2003 census, is 43 per cent Montenegrin, 32 per cent Serb, 12 per cent Bosniak and Muslim, 5 per cent Albanian, 1 per cent Croat, and a further 7 per cent of other ethnic groups such as Roma, Macedonian, German, Russian and Slovenian. The Albanian population is concentrated mainly in Ulcinj and Plav and the Tuzi district of Podgorica. The Bosniak population lives predominantly in the north, in the municipalities of Berane, Rožaje and Bijelo Polje. A sizeable population of Roma also exists, spread throughout the country, with the biggest concentration around Podgorica.¹⁵

OSCE/ODIHR EOM interlocutors have noted that, in general, national minority groups are relatively well integrated into the political, economic and social structures in Montenegro.

¹⁴ Article 55 of the Rulebook on Advertising and Sponsorship in Broadcast Media limits the advertising time in public broadcasting services programming to 10 per cent per hour. Advertising time in the programmes of commercial broadcasting services is not to exceed 20 per cent per hour of the programme broadcast.

¹⁵ The issuing of citizenship documents to Roma citizens remains an issue to be addressed. This problem generally arises from a lack of proper fundamental documentation, such as birth certificates.

Minority rights are protected by the Constitution, which ensures protection of identity and prevents forceful assimilation. In areas where national minorities have a significant share in the total population, the local authorities are obliged to carry out the proceedings in the language of minority communities. In this vein, the SEC provided election materials and ballots in Albanian to 71 PSs in Ulcinj, Rožaje, Bar, Plav, and Podgorica.

The participation of national minorities in electoral processes in Montenegro has been active. A number of mainstream parties have tried to integrate national minorities into their organizations. Moreover, some of minority parties are represented at a national level. Three parliamentary seats are held by ethnic Albanian minority parties: Democratic Union of Albanians (DUA), Democratic Alliance of Montenegro (DSCG) and the Albanian Alternative (AA). The Bosniak Party (BS) received two seats in the current parliament while the Croat Civic Initiative (HGI) received one.

In this election, national minorities were able to participate in the electoral process without difficulty. While none of the candidates were from a national minority group, some national minority parties supported certain presidential candidates. Shortly before the end of the campaign, DUA and HGI gave their support to Mr. Vujanović, while AA and *Forca*, another Albanian party, supported Mr. Medojević.

XII. DOMESTIC AND INTERNATIONAL OBSERVERS

The legal framework provides for unimpeded access by international and domestic observers to observe the preparations and conduct of the election. The SEC accredited 208 international observers and over 1,000 observers from domestic non-party organizations. This included 472 observers from the Centre for Election Monitoring (CEMI) and 557 from the Centre for Democratic Transition (CDT). These groups undertook a comprehensive, long-term observation of the election process and were present in some 50 per cent of the polling stations visited by OSCE/ODIHR observers on election day. This active participation by civil society groups enhanced the transparency and public credibility of the election process.

XIII. COMPLAINTS AND APPEALS

Election-related complaints are determined in the first instance by the higher level election administration body and can be appealed to the Constitutional Court. Since the last amendments to the Law on the Courts from July 2004, the competence to hear complaints on decisions of municipal bodies is dealt with by a newly established Administrative Court and appeals can be lodged with the Supreme Court. Unclear legal procedures made the complaints and appeals process cumbersome, however, and many interlocutors expressed a lack of confidence in the courts and law enforcement bodies.

Shortly after the election was called, one of the candidates, Mr. Medojević, challenged the procedure for the collection of signatures in support of candidates to the Constitutional Court, on the grounds that the requirement that signatures be made before two MEC members violated the secrecy of the ballot. The court upheld the constitutionality of the existing provisions on 28 February on the grounds that the secrecy of the ballot was not infringed by the separate mechanism for signature collection.

Within the legal deadline, 1,306 complaints were received by the Administrative Court, all referring to decisions made by municipal authorities with regard to the voter register. Eighty one out of 856 complaints regarding inclusion to the voter register were rejected.

A complaint against parliament was also submitted to the Administrative Court on 1 February for not confirming members of the RTCG Council, by an unsuccessful nominee. The court ruled against the complaint, further delaying the formation of the Council.

On election day, five written complaints were made by the PzP to the MEC of Bijelo Polje on a variety of issues, but the MEC did not take any decision on them and did not report them to the SEC. According to LECR Article 109.3, if the competent election commission fails to render a decision on a complaint within 24 hours, the complaint is admitted. However, no further action was taken by either the PzP or the commissions in question.

XIV. VOTING AND COUNTING

Election day was generally calm and voting took place in an orderly manner throughout the country. According to official SEC figures, turnout was 68.20 per cent, as provided to the OSCE/ODIHR EOM by the SEC on 10 April.

During election day, observers visited 654 PSs and evaluated the work of PBs during voting as good or very good in some 97 per cent of cases. Observer evaluations during the closing and counting process were slightly less positive, with some 87 per cent evaluating these procedures as being good or very good; a relaxed approach toward technical procedures was noted as one of the main problems. The tabulation at MECs, however, was again evaluated positively in all 13 MECs observed.

A. POLLING PROCEDURES

Observers were present at the opening of 59 PSs throughout the country and evaluated the opening as good or very good in some 97 per cent of cases. All necessary election materials were present at opening in 100 per cent of PSs observed, but in 12 per cent of cases PSs did not open on time and some procedural points were not always followed. This included not drawing lots for determining responsibilities of PB members in some 31 per cent of cases and in some 10 per cent of cases, the ballot box was not closed and sealed in the presence of the first voter, as required. Unauthorized persons, generally party activists, were observed in 14 per cent of opening procedures observed. Domestic observers were present at some 43 per cent of PSs visited at opening.

Observers assessed the voting process as good or very good in some 97 per cent of 654 PSs visited. There were only 2 cases noted of voters being denied the right to vote for inappropriate reasons, and 2 cases of voters receiving ballots for other people (proxy voting). No one was observed voting more than once and no incidents were noted of anyone trying to influence voters whom to vote for. Tension was only noted at 1 per cent of PSs observed during the course of voting, although overcrowding was noted in some 5 per cent of cases.

Procedural points were generally followed; voters were checked for ink in more than 99 per cent of cases, identification documents were checked in nearly 100 per cent of cases, and the secrecy of the vote was ensured in more than 99 per cent of PSs observed. However, ballot

boxes were noted as not being properly sealed in some 20 per cent of PSs visited, unauthorized persons were observed in nearly 9 per cent, and family voting was observed in some 6 per cent of PSs observed. The level of homebound voting was noted as being somewhat high at nearly 3 per cent, but this was more prevalent in rural areas. There seemed to be a lack of consistency in the role played by extended PB members.

However, in Bijelo Polje, numerous irregularities were noted by OSCE/ODIHR EOM observers at Licine PS 40. These included elevated tension, family and multiple voting, voters not allowed to vote, and similar signatures on the voter register extract. Nevertheless, to the knowledge of the OSCE/ODIHR EOM, no official complaints were submitted in this PS.

B. COUNTING PROCEDURES

The OSCE/ODIHR EOM observed the closing and counting process in 64 PSs. Observers reported the count as good or very good in some 87 per cent of cases. In all cases, the control slip was found in the ballot box when it was opened at the count. In no case were more ballots found than the number of voters who had voted. However, control coupons were not counted by the PB before the ballot box was opened in nearly a quarter of cases and the number of unused ballots was not counted before the ballot box was opened in some 19 per cent of PSs observed. Also, the number of voters who voted was not determined by the PB before the ballot box was opened in some 13 per cent of cases.

Of the 64 observer teams present at the closing and counting procedures, 6 noted 'serious irregularities' in the counting process and in 6 cases, the figures in the 'Record of Work' did not reconcile. There were, however, no observed cases of deliberate falsification of the results or protocols. Unauthorized people were present at 6 of the 64 observed counts. In 7 cases observers reported disputes between PB members, but no observed PBs were dissolved. In some 32 per cent of cases, the record of work was not accompanied by the PB chairperson and two extended members to the MEC, as required by the procedures. Domestic observers were noted as being present at some 51 per cent of PSs observed at the count.

C. TABULATION PROCEDURES

The tabulation at MECs was observed in 13 of the 21 municipalities. Observers assessed the overall conduct of the tabulation as good or very good in all 13 cases. Of these, only 2 reported tension in the MEC and only 1 resulted in an official complaint. However, in 11 of the 13 cases observed, there were mathematical inconsistencies in PBs' records of work. No unauthorized people were seen at the MECs during the tabulation process. No domestic observers were noted either.

XV. ANNOUNCEMENT OF ELECTION RESULTS AND POST-ELECTION DEVELOPMENTS

The SEC announced preliminary results at 20:00 on 7 April. They confirmed the preliminary results as final on 10 April, following the expiration of all legal deadlines for complaints and appeals. During this period, to the knowledge of the OSCE/ODIHR EOM, no legal challenges of the results were launched at any level. On 10 April, the SEC also provided disaggregated results by polling station and by municipality to all SEC members, and thus to all parliamentary parties, and to the OSCE/ODIHR EOM. However, these final results were not

made public until 21 April 2008, a delay of more than 10 days. The reason for this delay was explained by the SEC as being a technical problem with the website, but no explanation was given for not meeting the legal deadline for publishing the final results in the official gazette.

An evaluation of the official final results suggests a level of concern in a small number of PSs, especially in Bijelo Polje. These include very high turnout figures and, at times, quite high votes for one candidate.¹⁶

On April 9, the Ulcinj MEC rejected a request from the SNP who, on the basis of the LECR, had requested a copy of VR extracts used on election day.¹⁷ This decision was subsequently appealed to the SEC and the appeal was satisfied. On April 11, the PzP submitted a request directly to the SEC for a copy of VR extracts on the basis of the 2005 Law on Free Access to Information.¹⁸ The SEC forwarded this request to the MECs, as the bodies in charge of VRs.

After election day, the SNP filed criminal charges with the State Prosecutor's Office against six PS chairpersons. The charges purport that these chairpersons had allowed other people to vote in place of registered voters, alleged by SNP to have been out of the country or in prison on election day. The State Prosecutor initiated proceedings to investigate these charges.

XVI. RECOMMENDATIONS

The following recommendations are offered to the Montenegrin authorities, political parties, and civil society, in further support of their efforts to conduct elections in line with OSCE Commitments and other international standards for democratic elections. A number of recommendations have been offered in previous OSCE/ODIHR final reports that also remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities and civil society of Montenegro to further improve the election process.

A. LEGAL FRAMEWORK

1. Consideration should be given to amendments to the LECR that would:
 - Provide adequate special legal procedures to protect electoral rights during the campaign period. The requirement to use general administrative procedures does not provide for a remedy in the timeframe necessary during an election;
 - Remove the right of candidates and political parties to receive copies of the voter register extracts from the polling stations;
 - Be brought in conformity with existing media laws;
 - Make public posting of all election results and protocols at PSs and MECs obligatory and require that the SEC publish partial preliminary results by polling station at regular intervals on election night;
 - Introduce more coherent transparency and accountability measures with regard to campaign financing.
2. The Law on the Election of the President could be amended to:

¹⁶ Examples include PS 16 in Bijelo Polje, where out of 457 voters on the register, 454 voted. In PS 46, in Berane, candidate Vujanović received 204 of 214 valid votes cast and in PS 55, he received 333 of 365.

¹⁷ By LECR Article 77, paragraphs 4 and 5, political parties represented in parliament have the right to receive such copies within five days of the election.

¹⁸ Articles 1, 2, 5, 12, 13, paragraph 1, point 3 of the Law on Free Access to Information (2005).

- Limit the total number of support signatures required to stand for office to 1 per cent of the total electorate;
- Allow citizens to sign in support of more than one candidacy.

B. ELECTION ADMINISTRATION

3. The requirement that all “permanent” SEC or MEC members must be legal graduates needs to be reviewed as in many locations (mostly rural) it severely limits the selection pool for commission members.
4. The rights and duties of all members of election administration bodies could be clearly defined, including a Code of Conduct that outlines minimum standards of professional behaviour to ensure objectivity and avoid conflicts of interest.
5. Commissions responsible for the conduct of elections could ensure that adequate training is provided for election officials at all levels, especially members of the “extended” composition. Training should focus on election day procedures, counting and tabulation, as well as the general roles and responsibilities of PBs and MECs.
6. Although not required by law, the SEC could consider a voter education program, in the run-up to elections. The program should focus on voter registration, polling procedures and the protection of citizens’ suffrage rights.

C. ELECTION CAMPAIGN

7. Key issues related to the blurring of the state and the governing party, DPS, require being addressed, including the rental of DPS-owned offices to the government.
8. Measures to promote transparency in campaign financing could be introduced. Training programmes for political parties could be envisaged, dealing with transparent financial reporting and transparent fundraising.

D. MEDIA

9. The nomination and confirmation procedure for members of the broadcasting council could be more clearly defined within the law to avoid misinterpretation and politicization of the appointment procedure.
10. As certain articles of the LECR are inconsistent with the RTCG regulations on the presentation of candidates, the LECR and the Broadcasting Law should be harmonized.
11. The Broadcasting Law would need to provide for adequate legal procedures regarding complaints on broadcast media during the election campaign; general administrative procedures are not constructed to ensure resolution during the election process.

E. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

12. Civil society, political parties and the Montenegrin authorities should encourage the participation of women in the electoral process, including in election administration bodies. There should be greater dialogue between interlocutors on this issue.

13. Efforts could be strengthened by the Montenegrin authorities to increase the participation of Roma in the election process, including through solving complex issues related to their registration.

F. VOTING PROCEDURES

14. Provisions for cases when a voter spoils his/her ballot could be introduced.
15. The control coupons on ballot papers need to be detached by the voters themselves to ensure the secrecy of the vote.
16. Rules for invalidation of ballots could be clearly specified to also include cases of missing stamps on a ballot.
17. Consideration should be given to introducing provisions 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 results protocols.
18. The grounds for dissolving PBs, annulling results and holding repeat polling need to be reviewed and limited only to serious violations. Repeat polling should not be required if an irregularity does not affect overall outcome of elections.

ANNEX: OFFICIAL ELECTION RESULTS¹⁹

MUNICIPALITY	Registered voters	Received ballots	Unused ballot papers	Used ballot papers	Voter turnout	Control coupons	Homebound voting	Voted at polling stations	Invalid ballot papers	Valid ballot papers	Nebojša Medojević	Andrija Mandić	Srđan Milić	Filip Vujanović				
1 ANDRIJEVICA	4,297	4,297	1,087	3,210	74.70%	3,210	254	2,956	19	3,191	127	3.98%	764	23.94%	950	29.77%	1,350	42.31%
2 BAR	32,884	32,884	12,829	20,055	60.99%	20,055	456	19,599	271	19,784	4,072	20.58%	3,100	15.67%	1,548	7.82%	11,064	55.92%
3 BERANE	28,355	28,355	8,674	19,681	69.41%	19,681	902	18,779	153	19,528	2,162	11.07%	4,037	20.67%	3,081	15.78%	10,248	52.48%
4 BIJELO POLJE	40,101	40,101	11,472	28,629	71.39%	28,629	1,631	26,998	257	28,372	2,938	10.36%	5,289	18.64%	3,372	11.88%	16,773	59.12%
5 BUDVA	13,278	13,278	3,861	9,417	70.92%	9,417	219	9,198	121	9,296	1,195	12.85%	1,228	13.21%	736	7.92%	6,137	66.02%
6 DANILOVGRAD	12,053	12,053	3,073	8,980	74.50%	8,980	522	8,458	98	8,882	1,294	14.57%	1,680	18.91%	1,286	14.48%	4,622	52.04%
7 ŽABLJAK	3,384	3,384	936	2,448	72.34%	2,448	215	2,233	39	2,409	182	7.56%	519	21.54%	636	26.40%	1,072	44.50%
8 KOLAŠIN	7,261	7,261	1,595	5,666	78.03%	5,666	464	5,202	95	5,571	720	12.92%	1,428	25.63%	780	14.00%	2,643	47.44%
9 KOTOR	17,796	17,796	7,009	10,787	60.61%	10,787	391	10,396	226	10,561	2,081	19.70%	2,074	19.64%	1,216	11.51%	5,190	49.14%
10 MOJKOVAC	7,561	7,561	1,620	5,941	78.57%	5,941	363	5,578	75	5,866	747	12.73%	1,002	17.08%	1,486	25.33%	2,631	44.85%
11 NIKŠIĆ	56,620	56,620	16,145	40,475	71.49%	40,475	1,714	38,761	581	39,894	5,218	13.08%	8,705	21.82%	5,335	13.37%	20,636	51.73%
12 PLAV	12,802	12,802	6,011	6,791	53.05%	6,791	396	6,395	83	6,708	893	13.31%	509	7.59%	611	9.11%	4,695	69.99%
13 PLUŽINE	3,242	3,242	951	2,291	70.67%	2,291	316	1,975	16	2,275	170	7.47%	740	32.53%	759	33.36%	606	26.64%
14 PLJEVLJA	27,691	27,691	6,576	21,115	76.25%	21,115	1,203	19,912	183	20,932	3,580	17.10%	6,331	30.25%	3,249	15.52%	7,772	37.13%
15 PODGORICA	132,155	132,155	40,529	91,626	69.33%	91,626	2,440	89,186	1,388	90,238	17,683	19.60%	19,108	21.18%	9,592	10.63%	43,855	48.60%
16 ROŽAJE	20,112	20,112	8,246	11,866	59.00%	11,866	458	11,408	90	11,776	2,314	19.65%	152	1.29%	147	1.25%	9,163	77.81%
17 TIVAT	10,947	10,947	3,777	7,170	65.50%	7,170	159	7,011	115	7,055	1,457	20.65%	1,415	20.06%	536	7.60%	3,647	51.69%
18 ULCINJ	17,669	17,669	7,772	9,897	56.01%	9,897	393	9,504	140	9,757	2,447	25.08%	415	4.25%	382	3.92%	6,513	66.75%
19 HERCEG-NOVI	25,051	25,051	7,982	17,069	68.14%	17,069	510	16,559	322	16,747	3,180	18.99%	5,048	30.14%	2,798	16.71%	5,721	34.16%
20 CETINJE	14,924	14,924	5,975	8,949	59.96%	8,949	339	8,610	362	8,587	2,292	26.69%	399	4.65%	417	4.86%	5,479	63.81%
21 ŠAVNIK	2,229	2,229	470	1,759	78.91%	1,759	167	1,592	15	1,744	64	3.67%	413	23.68%	384	22.02%	883	50.63%
22 ZATVORI	0	741	108	633		633	0	633	25	608	58	9.54%	117	19.24%	15	2.47%	418	68.75%
CRNA GORA	490,412	491,153	156,698	334,455	68.20%	334,455	13,512	320,943	4,674	329,781	54,874	16.64%	64,473	19.55%	39,316	11.92%	171,118	51.89%

Note: In the column labelled ‘Received Ballots’, there are 741 more ballot papers than the total number of registered voters. The difference is due to 741 ballots issued directly by the SEC from the reserved ballot quota for polling stations established in the prison and in detention centres.

¹⁹

A hard copy of these final results was provided to the OSCE/ODIHR EOM by the SEC on 10 April 2008.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/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 Summit Document). This is referred to as the OSCE human dimension.

The OSCE/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 130 staff.

The OSCE/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 standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/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. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/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 persons, 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**, the OSCE/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. The OSCE/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 OSCE/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).