Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 13217
30 May 2013

Observation of the presidential election in Montenegro (7 April 2013)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Mr Christopher CHOPE, United Kingdom, European Democrat Group

Contents **Page**

1. Introduction 1
2. Political and legal framework 2
3. Election administration and registration of lists and candidates 3
4. The election campaign and the media environment 4
5. Polling day 5
6. Conclusions and recommendations 6
Appendix 1 – Composition of the ad hoc committee 8
Appendix 2 – Programme of the election observation mission 9
Appendix 3 – Declaration of the presidential election observation mission 10

1. Introduction

1. At the invitation of Mr Ranko Krivokapić, Speaker of the Parliament of Montenegro, the Bureau of the Assembly decided, at its meeting on 25 January 2013, to set up an ad hoc committee to observe the presidential election in Montenegro on 7 April 2013 and appointed Mr Roman Jakić (Slovenia, ADLE) to chair the ad hoc committee. On 21 March, the Parliament of Slovenia elected Mr Jakić as a new member of its government (Minister for Defence). The Parliamentary Assembly was informed by the secretariat of the Slovenian Parliament that Mr Jakić would not be able to chair that ad hoc committee. Consequently, on a proposal by the Assembly's Presidential Committee, Mr Christopher Chope (United Kingdom, EDG) was appointed to the chair of the ad hoc committee (the membership of the ad hoc committee is given in Appendix 1).

2. On 4 October 2004, a co-operation agreement was signed between the Assembly and the European Commission for Democracy through Law (the Venice Commission). In accordance with Article 15 of that agreement, which reads: "When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser", the Bureau of the Assembly invited an expert from the Venice Commission to join the ad hoc committee as an adviser.

3. The ad hoc committee formed part of the International Election Observation Mission (IEOM), which also included the limited election observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR).

4. The ad hoc committee met from 5 to 8 April 2013 in Podgorica, where it met the two candidates, the Speaker of the Parliament of Montenegro, the Chair of the State Election Commission (SEC), the Head of the OSCE/ODIHR Election Observation Mission and members of his team, the head of the OSCE mission, the leaders of the European Commission delegation to Montenegro and representatives of civil society and the media. The ad hoc committee's programme of meetings is set out in Appendix 2. The delegation wishes to thank the staff of the Montenegrin Parliament and the Montenegrin State Protocol Department for their excellent co-operation in organising the presidential election observation mission.

5. On polling day, the ad hoc committee split into five teams to observe the election in Podgorica, Tuzi, Nikšić, Cetinje, Kolesin, Ulcin, Bar, Danilovgrad and their surrounding areas.

6. The ad hoc committee concluded that on polling day "the citizens of Montenegro made their choice in a free way between the two presidential candidates. This presidential election met many Council of Europe standards and commitments but, in practical terms, further improvements are required to ensure an electoral process free from misuse of State resources". The Parliamentary Assembly delegation "welcome[d] the active work of Montenegrin NGOs involved in the electoral process and invite[d) the authorities to make better use of civil society's contributions". The press release issued after this election appears in Appendix 3.

2. Political and legal framework

7. The presidential election was governed by comprehensive election legislation which provides an adequate overall framework for the holding of democratic elections. The presidential election law passed in 2007 contains only specific provisions relating to this election. It has not been evaluated by the Venice Commission. In addition to the presidential election law, the texts relevant to elections are the Constitution, the voters register law and the law on the funding of political parties (likewise amended in 2012, mainly in respect of monitoring enforcement of the law by both the State Election Commission and the State Audit Institution).

8. The election legislation was amended on 8 September 2011 to bring it into line with the 2007 Constitution. It contains provisions common to presidential and parliamentary elections, in particular on registration of candidates, the institution of election commissions and their responsibilities, voting procedures and the regulatory framework for complaints and appeals.

9. The election legislation was positively assessed by the Venice Commission and the OSCE/ODIHR in their last joint opinion on the bill to amend the law on the election of local councillors and members of the Montenegrin Parliament.[1] On the whole, the changes constituted technical improvements to voting and strengthened the protection of fundamental rights such as non-discrimination.

10. The President of Montenegro is elected by absolute majority, by direct election and secret ballot, for a five-year term. If no candidate polls over 50% of the vote in the first round, a second round is held within two weeks. The candidate polling the largest number of votes in the second round is then elected.

11. The provisions of the Montenegrin Constitution confer a mainly representative role on the President, with the Prime Minister – currently Mr Milo Djukanovic – having more power. The Prime Minister is appointed by the President with the approval of parliament.

12. The election on 7 April 2013 was the second presidential election to have been held since the people of Montenegro voted for independence in a referendum on 21 April 2006. Under Montenegro's new Constitution, the President may serve only two terms.

13. On 18 January 2013, Mr Krivokapić, Speaker of the Parliament, called a presidential election for 7 April. Two candidates stood for this election: the outgoing president, Mr Filip Vujanović, and the leader of the opposition Democratic Front, Mr Miodrag Lekić. A third candidate, Mr Rade Bojovic, head of the Positive Montenegro political club, failed to obtain the 7 710 signatures needed for registration by the State Election Commission.

1. CDL-AD(2011)011, in particular paragraph 54.

3. Election administration and registration of lists and candidates

14. Elections are administered in the framework of a three-tier system of electoral commissions: a State Election Commission (SEC), 21 Municipal Election Commissions (MECs) and 1 668 polling boards (PBs). The SEC and MECs are appointed after the newly elected parliament (brought in on 14 October 2012) is inaugurated, for a four-year term, while the PBs are appointed for each election of councillors or members of parliament.

15. Recent amendments to the election law ensure balanced representation of political parties in the organisation of elections. The 11 members of the SEC are appointed by parliament, including the Chair and five members representing the ruling coalition, while the secretary of the SEC and the other members represent opposition parties. The ruling coalition holds the majority on 17 of the 21 MECs.

16. The seven members of the MECs are appointed by their own municipal assembly. The PBs have five members each. In addition to the appointed members, the SEC, MECs and PBs include representatives of both candidates on the electoral commissions at the three levels, with voting rights. Whereas the SEC organises and administers the election process in its entirety, the PBs organise the actual voting.

17. At their meeting with the Chair and members of the SEC, the members of the ad hoc committee had the impression that the SEC took a rather restrictive view of its duties, confining itself to essentially administrative tasks instead of taking a proactive approach, in particular with regard to measures to implement the law on the funding of political parties and to ensuring that the election campaign was run properly. The SEC limited its work essentially to dealing with the very small number of complaints it received. However, the election law gives the SEC the necessary powers to supervise the implementation of election law. It is also appropriate to point out that the SEC continues to function with scant administrative resources and a small secretariat, as provided for in the relevant provisions of the election law. The SEC's other activities, such as printing ballot papers, proceeded in a very transparent manner.

18. According to the latest Montenegro population census in 2011, the country has 625 266 inhabitants. For the presidential election on 7 April, there were 511 405 voters on the voters register. Montenegro has 21 separate voters registers, administered by the municipal authorities concerned in each case. The process of registering voters is a passive one, voter data being automatically updated on the basis of information supplied by the local offices of the Ministry of the Interior. All citizens must have the right to vote and stand for election, this being a fundamental right, and the legislation must lay down all practical arrangements for the exercise of this right.

19. Every citizen aged 18 on polling day who has established permanent residence in Montenegro for at least 24 months prior to the ballot, and who has not been declared incapable by a court of law, is entitled to vote. According to the joint opinion of the Venice Commission and the OSCE/ODIHR (adopted in 2011), the 24-month residential condition was over-restrictive because excessively long.[2]

20. At the meeting with the members of the ad hoc committee on 5 April, the representatives of non-governmental organisations (NGOs) voiced disquiet over the accuracy of the voters register. In accordance with the election law, the names of non-citizens had to be removed from the voters register by 31 December 2012. Accordingly, 12 964 names were removed. Moreover, it was necessary for the first time to present oneself at the polling station with a new biometric identity card in order to cast one's vote. According to data provided by the Ministry of Computerisation and Telecommunications (MCT), some 30 000 citizens had not yet obtained new identity cards by election day.

21. The State authorities made significant efforts to update the voters register. Nonetheless, the representatives of non-governmental organisations (NGOs) involved in the election process, as well as the opposition parties, continue to raise this issue from one election to the next. For example, on 3 April, the two presidential candidates submitted to the Ministry of the Interior evidence of approximately 7 000 suspect names appearing on the voters register. The candidates requested the Ministry of the Interior to make inquiries and correct the lists if necessary. Unfortunately, the Ministry of the Interior was seemingly unable to comply with the deadlines for correcting any errors. Such a situation does nothing to strengthen the confidence of political stakeholders and civil society in the democratic nature of the electoral process.

22. In accordance with the election law, candidates for the presidential election must obtain the signatures of 1.5% of the electorate. In the presidential election on 7 April, that percentage would represent 7 710 signatures on the basis of 514 055 voters. No voter may give his signature to more than one candidate.

2. CDL-AD(2011)011, paragraphs 24-26

Voters supporting a candidate were required to present themselves at the office of the municipal election commission (MEC) for their area and sign in the presence of at least two members of that commission representing the ruling coalition and the opposition.

23. The requirement of signing in the presence of politically affiliated members of the MEC was noted as disquieting in earlier election observation reports. The ad hoc committee considers that this procedure for collecting signatures compromises the concept of voting confidentiality. It also points out that, according to the Venice Commission's Code of Good Practice in Electoral Matters, the required number of signatures should not exceed 1% of registered voters.[3] The third potential candidate, Mr Rade Bojovic, collected about 2 000 signatures.

4. The election campaign and the media environment

24. The start of the election campaign was marked by controversy over the candidature of the outgoing President, Mr Vujanović, who had served his first presidential term from 2003 to 2008 when Montenegro and Serbia formed a single State. Montenegro became independent in 2006. Since 2007, an amendment to the Constitution has determined that the head of State may not serve more than two terms. Yet Mr Vujanović was again elected President of Montenegro in 2008. The question of his eligibility arose.

25. On 6 March, the Social Democrat Party (SDP), a partner in the ruling coalition alongside the Democratic Party of Socialists (DPS), raised the question of Mr Vujanović's eligibility and candidature. Mr Krivokapić, President of the SDP, declared that even if the DPS was convinced that Mr Vujanović's candidature was valid, his own party was not of the same opinion.

26. The candidature of the current president was challenged by a group of citizens who referred the question to the Constitutional Court on the ground that he had already been elected twice, once prior to independence in 2006 and again in 2008. The Constitutional Court dismissed the appeal and confirmed the candidature of the outgoing President. Following the decision of the Constitutional Court, the SDP, part of the ruling coalition, decided to support neither of the candidates, even though some of its members challenged the legitimacy of the candidature of the current President.

27. Mr Vujanović's campaign theme focussed on continuance of the government's policy of economic development and European Union integration. He also criticised his opponent for having opposed Montenegro's independence prior to the 2006 referendum. His candidature had been backed by the ruling DPS and by the Liberal Party, the Albanian Coalition, the Bosniak Party and the Croat Civic Initiative.

28. Mr Lekić, the opposition candidate, concentrated his campaign on lack of progress in fighting corruption and organised crime. Despite heading the Democratic Front, the largest opposition group in Montenegro, he decided to stand as an independent candidate in order to unite all the opposition forces. His candidature was backed by the main opposition group in parliament, the Democratic Front, by the Socialist People's Party, by the Positive Montenegro Party and by the Serb Democratic Party.

29. The ad hoc committee was informed by the ODIHR limited election observation mission and by the NGO and media representatives of cases of alleged vote-buying and of misuse of administrative resources by the ruling coalition inasmuch as the dividing line between the activities of the State and the election campaign was blurred. Some 40% of jobs in Montenegro are directly or indirectly tied to the various public administrations.

30. On 19 February, the opposition daily *Dan* published a transcript of a meeting of the board of the ruling DPS party concerning the election campaign for the parliamentary elections in October 2012. According to the opposition and the NGOs consulted by the ad hoc committee, its publication was evidence of the growing politicisation of public administration in Montenegro and of misuse of public funds; it mentioned instances of DSP sympathisers who had received preferential treatment in obtaining civil service jobs.

31. On 28 February, following articles in the media, Mr Štefan Füle, European Commissioner for Enlargement and European Neighbourhood Policy, invited the Montenegrin authorities to investigate any irregularities during the parliamentary elections in 2012, as well as allegations of undue influence relating to the voters register.

3. Code of good practice in electoral matters (CDL-AD(2002)023rev), paragraph I.1.3.ii.

32. In this connection, the ad hoc committee refers to the conclusions of the Parliamentary Assembly report on the early parliamentary elections of 14 October 2012,[4] voicing concern over possible cases of misuse of administrative resources by parties in power, and pressure and intimidation employed against teachers and government officials to vote for the parties in power. The report stated that during the election campaign the ruling coalition had apparently announced the creation of 45 temporary civil service posts for its followers.

33. These allegations, which are a matter of constant concern to the opposition, are alas hard to quantify and especially to prove; however, the authorities again omitted to take appropriate steps to throw light on them. A reaction on their part would have strengthened public confidence in the electoral process.

34. The question of national minorities was among the themes of the election campaign. Montenegro is a multi-ethnic State and national minorities still play an important part in the political context, generally aligning themselves with the ruling coalition. In the presidential election on 7 April, the Albanian parties made their support for Vujanović, the outgoing president, conditional on the possibility of holding a referendum on the status of the town of Tuzi, an area inhabited mainly by Albanians near the city of Podgorica.

35. On 6 March, the Podgorica assembly agreed to authorise Tuzi residents to take part in a consultative referendum this summer or autumn in order to set up an autonomous municipality. The inhabitants of this area already enjoy powers linked to limited autonomy, but Tuzi is still part of the city of Podgorica.

36. The funding of political parties and election campaigns is a longstanding problem. The law on the funding of political parties and election campaigns was passed in 2011. The members of the ad hoc committee were informed by NGO and media representatives about the lack of transparency concerning the funding of the election campaign and the political parties. This situation also blurs the dividing line between the activities of State structures and those of the political parties in power.

37. On 7 December 2012, the Council of Europe's Group of States against Corruption (GRECO) adopted its report on Montenegro. The report notes that the State Election Commission is responsible in law for publishing financial documents relating to the election campaign within seven days of the date of receipt of the relevant reports from candidates. Additional resources should be allocated to the SEC to enable it to monitor the application of the rules on funding of political parties. The ad hoc committee noted that the GRECO report took into account the comments made by the Parliamentary Assembly's election observation mission on 14 October 2012 expressing reservations about the funding of political parties in Montenegro.

38. The media environment is varied, which means that a great many political views can be presented, but it is divided along political lines and the economic interests of those who own the media. Despite the pluralist media environment, most programmes are still heavily influenced by their proprietors, and this raises questions about the independence of private sector radio and television broadcasting. Television is by far the most important source of news and information.

39. According to the report of the ODIHR limited presidential election observation mission concerning the monitoring of media coverage of the election campaign, public television devoted political programmes and news reports to the activities of the Prime Minister and to other executive bodies, without drawing a clear distinction between State activities and those related to the election campaign. The outgoing president Vujanović received 13% of media coverage and the Lekić candidate 16%, while the Prime Minister and other DPS party leaders received 18% and 22% respectively and the Democratic Front 10%. Crna Gora (RTCG), the public radio and television network, and in particular the RTCG 1 channel, made it possible for voters to compare the two candidates in the course of a television debate broadcast on 5 April.

40. The private channels, particularly TV Vijesti, were less well balanced (that is to say, not as fair), devoting only 8% of air time to coverage of the activities of the outgoing president and 16% to those of the opposition candidate. The Prime Minister received 14% of air time. The press presented a broad range of opinions. The private daily *Dan* gave generous coverage to the activities of the opposition candidate, while the State-owned daily newspaper *Pobjeda* published numerous articles on the outgoing president's campaign, often on a positive note.

5. Polling day

41. Polling day was calm. The members of the ad hoc committee found that voting took place in an orderly fashion. The voting and counting operations were generally carried out in a professional manner.

4. See Doc. 13069.

42. The members of the ad hoc committee identified a number of minor technical problems in the polling stations visited:

– the design of the booths did not ensure voting secrecy. Nevertheless, no attempt to take advantage of this deficiency was noted;

– the ballot boxes were not transparent and there were no mobile ballot boxes: people who voted at home placed their ballot papers in envelopes, which did not ensure voting secrecy; in one polling station visited by the members of the ad hoc committee, 100% of votes cast at home went to the same candidate;

– there were very few observers in polling stations, especially in rural areas;

– in general, polling stations were not, or not easily, accessible for people with disabilities;

– cases of unintentional non-compliance with the counting procedures in certain polling stations were observed, particularly in rural areas.

43. The polling stations closed at 8 p.m. The headquarters of the two candidates announced the victory of their respective candidates before midnight on 7 April. The State Electoral Commission did not announce the preliminary results of the presidential election until the end of the day on 8 April. The Parliamentary Assembly's ad hoc committee considers it unacceptable that, in a country of 511 405 voters, the SEC should be unable to conduct the count and announce preliminary results within a reasonable time, as is the case in a large number of Council of Europe member States where the Parliamentary Assembly carries out election observation missions. The delay in announcing the preliminary results created unnecessary tensions and did nothing to boost the confidence of citizens and political stakeholders in the electoral process; this remains a major concern.

44. According to the preliminary results of the elections announced on 8 April by the SEC, the current president, Mr Vujanović, received 51.21% of the total vote with 161 940 votes, and Mr Lekić 48.79% with 154 290 votes. Turn-out was 63.90%. The opposition candidate, Mr Lekić, came first mainly in the capital and the major cities, while Mr Vujanović polled more votes in rural areas and in towns and localities with a mainly Albanian-speaking population. On 10 April, the representatives of the Democratic Front opposition party and of the Positive Montenegro party declared that they would boycott the work of parliament until the final results of the presidential election were known.

45. Mr Lekić submitted complaints to the State Election Commission concerning irregularities, including the 11 683 votes cast at home; according to the opposition candidate, these votes made the difference between the two candidates. Mr Lekić asked for these votes to be cancelled. On 15 April, the SEC rejected this complaint as unfounded. On 19 April, the Constitutional Court decided that the complaints submitted to the SEC were not founded. On 22 April, the State Election Commission declared that Mr Vujanović had won the presidential election on 7 April with 161 940 votes and that Mr Lekić had obtained 154 289 votes.

6. Conclusions and recommendations

46. The ad hoc committee came to the conclusion that on polling day the citizens of Montenegro made their choice in a free way between the two presidential candidates. This election met many Council of Europe standards and commitments but, in practical terms, further improvements are required to ensure an electoral process free from misuse of State resources. Misuse of administrative resources remains a matter of concern and should be tackled at the earliest opportunity by the Montenegrin authorities.

47. The ad hoc committee also stressed the active work of the Montenegrin NGOs involved in the electoral process and invited the authorities to make better use of civil society's contributions.

48. Polling day was calm. The members of the ad hoc committee visited a substantial number of polling stations and were able to confirm that the ballot proceeded in an orderly manner. The voting and counting operations were conducted, on the whole, in a professional manner. However, the ad hoc committee expresses its deep concern at the SEC's delay in announcing the preliminary results. It finds it unacceptable that, in a country of 511 405 voters, the SEC should be unable to conduct the count and announce preliminary results within a reasonable time, in order to prevent political tensions on the day following the ballot and to strengthen the confidence of citizens and political stakeholders in the electoral process; this remains a major concern.

49. The ad hoc committee was informed by many people in the ODIHR limited election observation mission, by NGO representatives and by the media of cases of misuse of administrative resources by the parties in power, and of pressure and intimidation employed against teachers and public civil servants to vote for the candidate backed by the parties in power.

50. These allegations are repeated from one election to the next. In this connection, the ad hoc committee observes that the Parliamentary Assembly, in its report on the observation of the early parliamentary elections on 14 October 2012, stated: "As the ad hoc committee does not have the resources to check all these allegations, it asks the relevant authorities in Montenegro to investigate them and, should they prove founded, to identify those responsible and inform the public and the Parliamentary Assembly as quickly as possible." The ad hoc committee is concerned to note that the Assembly has received no information from the Montenegrin authorities following this request.

51. Transparency in the funding of political parties and of the election campaign remains a problem which the opposition has been raising for a long time, despite the fact that parliament passed a law on the subject in January 2012. The ad hoc committee exhorts the Montenegrin authorities to fully implement the GRECO recommendations in the report on Montenegro adopted on 7 December 2012.

52. In order to boost the confidence of citizens in the democratic process, the ad hoc committee invites the Montenegrin authorities, in close co-operation with the Venice Commission and in the framework of the Parliamentary Assembly's monitoring procedure, to take the following steps:

– assess the election law framework in the light of the problems identified during the early parliamentary elections on 14 October 2012 and the presidential election on 7 April 2013;

– proactively address the persistent and widespread belief that a person's employment prospects in the State sector can be affected by the way in which that person votes;

– clarify the powers and responsibilities of the different organs of the executive involved in the electoral process so that they can initiate their own investigations into election matters of public concern;

– strengthen the role of the State Election Commission by allocating the resources needed for it to function effectively;

– conduct investigations into all the allegations of abuse of administrative resources by the ruling parties and publish the findings of those investigations;

– strengthen the legal status of government officials in order to avoid cases of their being subjected to undue pressure or intimidation during election campaigns or on polling day;

– continue to improve the quality of the voters register;

– implement in full the recommendations of the Assembly and those of GRECO in its report adopted on 7 December 2012, in order to increase the transparency of election campaign and political party funding;

– make a clear distinction between the administration of the State and the ruling parties;

– improve election legislation in order to guarantee the right of universal suffrage for all citizens of Montenegro without the 24-month residence requirement;

– arrange training for polling board members, in particular in rural areas, so as to improve their command of procedures on polling day.

Appendix 1 – Composition of the ad hoc committee

Based on proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

– Christopher CHOPE, United Kingdom (EDG), Head of the Delegation

– **Group of the European People's Party (EPP/CD)**
  - Egidijus VAREIKIS, Lithuania

– **Socialist Group (SOC)**
  - Indrek SAAR, Estonia

– **European Democrat Group (EDG)**
  - Christopher CHOPE, United Kingdom

– **Group of the Unified European Left (UEL)**
  - Grigore PETRENCO, Republic of Moldova

– **Co-rapporteur of the Monitoring Committee (ex officio)**
  - Kimmo SASI, Finland

– **European Commission for Democracy through Law (Venice Commission)**
  - Peter PACZOLAY, Hungary,

– **Secretariat**
  - Chemavon CHAHBAZIAN, Deputy to the Head of Secretariat, Interparliamentary Co-operation and Election Observation Division, Secretariat of the Parliamentary Assembly
  - Danièle GASTL, Assistant, Interparliamentary Co-operation and Election Observation Division, Secretariat of the Parliamentary Assembly
  - Gaël MARTIN-MICALLEF, Administrator, Division for Elections and Referendums, Venice Commission

Appendix 2 – Programme of the election observation mission

Friday 5 April 2013

11:00-12:00	Meeting of the ad hoc committee of the Parliamentary Assembly
13:30	Meeting with Mr Ranko Krivokapić, Speaker of the Parliament of Montenegro
14:00-14:30	Meeting with Ambassador Lubomir Kopaj, Head of the OSCE Mission, and Mr Alberto Camarata, Head of the political section of the delegation of the European Union in Montenegro
14:30-15:30	Meeting with Ambassador Boris Frlec, Head of the ODIHR limited mission and members of his team
15:30-16:30	Meeting with representatives of the media: – Ms Marina Vukovic, Editor-in-Chief of the First Channel, RTCG – Mr Radojica Bulatovic, Director, Radio Crna Gora – Mr Mihailo Jovovic, Editor-in-Chief, *Vijesti* – Mr Milka Tadić Mijović, Executive Director, Monitor – Mr Mladan Milutinovic, Editor-in-Chief, *Dan* – Ms Aleksandra Pavicevic, TVCG
16:45-17:45	Meeting with representatives of civil society: – Mr Zlatko Dedovic, CEMI – Mr Emir Kalac, CEDEM – Mr Marko Sošic, Institute Alternativa – Mr Vuk Maras, MANS (Network for the Affirmation of the Non-governmental Sector) – Ms Vanja Calovic, MANS
17:45-18:30	Meeting with Mr Ivan Kalezic, President of the CEC, and Mr Milicav Coric, Secretary of the CEC

Saturday 6 April 2013

	Meeting with the presidential candidates:
11:30-12:30	Mr Miodrag Lekić, Leader of the “Democratic Front”
12:30-13:30	Mr Filip Vujanović, Democratic Party of Socialists, President of Montenegro
14:00-15:00	Meeting with drivers and interpreters: deployment

Sunday 7 April 2013

7:00-20:00	Observation of the elections
After 20:00	Observation of the closing and counting

Monday 8 April 2013

9:30-11:00	Meeting of the ad hoc committee
12:30-13:30	Press conference

Appendix 3 – Declaration of the presidential election observation mission

Montenegro election professionally and efficiently administered, but allegations of misuse of State resources persist, observers say

Strasbourg, 08.04.2013 – Montenegro's presidential election on 7 April was professionally and efficiently administered, but allegations of the misuse of State resources and a blurring of the line between State activities and candidate campaigning continued to be at odds with OSCE commitments and Council of Europe standards, international observers said in a statement issued today.

Candidates were able to campaign freely and without undue restriction, and freedom of speech, movement and association were mostly respected throughout the campaign. At the same time, mistrust in public institutions and the judiciary diminished public confidence in the electoral process, the statement said.

While the State Election Commission operated professionally and met legal obligations, the transparency and accountability of lower-level election commissions, as well as information about their activities, was limited.

"From a technical standpoint, the election was administered in an efficient manner, and fundamental rights were mostly respected. At the same time, allegations of irregularities and an atmosphere of mistrust in the lead-up to the vote had a negative effect," said Boris Frlec, the Head of the OSCE/ODIHR Limited Election Observation Mission (LEOM). "Measures to enhance confidence in public institutions need to be taken to improve this atmosphere and to contribute to the improvement of the election process in Montenegro."

"Yesterday, the citizens of Montenegro made their choice in a free way between two presidential candidates. This presidential election met many Council of Europe standards and commitments but, in practical terms, further improvements are required to ensure an electoral process free from misuse of State resources. The PACE delegation welcomes the active work of Montenegrin NGOs involved in the electoral process and invites the authorities to make better use of civil society's contributions," said Christopher Chope, the Head of the PACE delegation. "Our Assembly will continue its close co-operation with the Montenegrin authorities, through its monitoring procedures and the Venice Commission, for the further consolidation of democracy."

The authorities made significant efforts to implement necessary changes to the voters register, but there continued to be public concern over its accuracy. The authorities acknowledged that a limited number of discrepancies remained, while allegations of inaccuracies were largely unsubstantiated.

The legal framework for the presidential election generally provides an adequate basis for the conduct of democratic elections, but harmonisation of applicable legislation would eliminate gaps and provide further clarity, particularly with regard to campaign finance and the media, the observers said.

Reforms to legislation on presidential campaign financing are required to enhance transparency, as well as to address the lack of independent oversight and the disproportionate reimbursement of campaign funds spent by the winner of the election.

The media monitored by the OSCE/ODIHR long-term election observation mission provided voters with a range of information and opinions, and the public broadcaster met its legal obligations to provide free airtime to the candidates on equal terms. Unbalanced reporting on the activities of government officials in news programmes was noted, however, and there was no effective independent body with the authority to monitor media reporting and its compliance with legislation, the statement said.

In the limited number of polling stations observed on election day, election commissions were procedurally well prepared and the voting process was administered efficiently. Both counting and tabulation of votes appear to have been conducted in a transparent and efficient manner, although further regulation of tabulation procedures is needed.