



INTERNATIONAL ELECTION OBSERVATION MISSION Montenegro – Early Parliamentary Elections, 11 June 2023

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 11 June early parliamentary elections were competitive and well-run despite taking place in a context of a protracted institutional and constitutional crisis. The elections were efficiently managed by the election administration, the campaign was free and voters were offered a wide choice. The public broadcaster provided balanced election coverage, but, overall, the media environment is polarized and some private media reported along party lines. The legal framework provides a basis for the democratic conduct of elections, but it should be comprehensively revised to address a number of gaps and inconsistencies. The inclusion of women in political life remains low and is undermined by insufficient state and public efforts to overcome gender stereotypes and the failure of most political parties to promote their participation. Election day was transparent, calm and professionally managed with some procedural safeguards not always followed during the counting.

The electoral legal framework provides a basis for the conduct of democratic elections; however, it contains gaps, inconsistencies and ambiguities. The election law has not been amended since 2014. Most prior ODIHR and Council of Europe Venice Commission recommendations remain unaddressed, including on residency requirements for voting and candidacy rights, registration of candidate lists representing national minorities, campaign finance oversight and sanctions, invalidation of results, media oversight and election dispute resolution.

Technical preparations for the elections were conducted efficiently and according to established deadlines. Sessions of the State Election Commission (SEC) were open to observers and media, and the decisions were published, all of which enhanced transparency at the national level. Municipal Election Commissions (MECs) generally carried out their duties efficiently, but transparency at the municipal level was sometimes lacking. Voter education activities conducted by the SEC were limited. The SEC provided lower-level commissions with criteria to make polling stations accessible for persons with disabilities, but on election day it was observed that these were largely not followed.

The voter register included 542,468 voters. Voters could verify their data and request clarifications with the Ministry of Interior (MoI). A broad range of stakeholders have the right to inspect the voter list but the MoI did not receive any notifications. The length of residency requirement to be eligible as a voter is contrary to international standards. Longstanding concerns regarding the accuracy of the voter list persist, notably regarding persons living abroad and deceased persons included in the list, which diminishes public trust in voter registration framework.

In an inclusive manner, the SEC registered a total of 1,113 candidates on 15 lists. Despite previous ODIHR recommendations, voters may sign in support of only one list. The process of signature collection is prone to abuse and does not ensure integrity. Some International Election Observation Mission (IEOM) interlocutors expressed concerns regarding the practice of political parties using voter data and forging signatures in support of their candidate list were present during the elections. Voters could check online if they have been included in the SEC database as supporting a candidate list, but only after the lists have been confirmed by the SEC. This does not provide a timely and effective legal remedy. SEC also raised concerns to the ODIHR EOM about time constraints and logistical challenges while conducting the signature verification process, which was exacerbated by the last-minute submission of the majority of lists.

Despite a number of legal affirmative measures to enhance gender equality, women remain underrepresented, largely because political parties fail to promote their participation beyond the legal minimum. Only 35.67 per cent of the registered candidates were women, and only 1 list was led by a woman. Women are underrepresented in the election administration, as only 3 of the 11 SEC members and 37 per cent of MEC members are women. Only a very limited number of candidates' lists included gender-specific issues in their programmes and women were less visible than men in observed campaign events. Some IEOM interlocutors raised concerns that violence against women, can be a deterrent to women to participate in political life and stand as candidates; this is particularly acute online.

The campaign was competitive, contestants could campaign freely, and voters were offered a wide choice. Legal and political uncertainty regarding whether the elections would be held on the set date contributed to a low-key start of the campaign which gained on intensity in the last two weeks. The economy was the key topic in the campaign, but some contestants resorted to populist and divisive rhetoric, including on national and religious grounds. A number of political parties included in their campaigns the topic of the EU membership highlighting the country's long-standing commitment to EU integration. The use of administrative resources in the campaign is prohibited by law but can be easily circumvented as numerous public employment contracts were issued in the election period. There was a lack of clear distinction in the campaign between the role of some candidates also serving as senior officials, including in their activities on social networks.

Most previous ODIHR and Council of Europe recommendations related to campaign finance remain unaddressed and as such there are inadequate mechanisms for the effective verification of donations or checks on expenditure. The Agency for Prevention of Corruption (APC), which is responsible for oversight of campaign finance, published campaign finance reports of the contestants in a timely manner. However, expenditure incurred prior to candidate registration, on in-person campaign events and on Google Ads is not monitored. Third-party campaigning is prohibited but the law does not provide for sanctions. Overall, the regulatory framework does not ensure the transparency, integrity, and accountability of campaign finances.

The media environment is free and diverse but polarized along political lines. Freedom of media is well protected by legislation. However, the effectiveness of the oversight of media-related campaign regulations is weakened by the lack of a regulatory body mandated to oversee the conduct of broadcast media. The public broadcaster met the legal requirements by offering free airtime and organizing inclusive election debates but aired most of this coverage on the less popular Radio and Television of Montenegro (RTCG) Parliamentary television channel. Paid political advertisement is allowed on private media under equal conditions. ODIHR EOM media monitoring showed that *Gradska TV*, a local public TV channel, provided biased news coverage in favour of the list "Together!", private television channel *Vijesti TV* offered a fairly balanced coverage, while *Prva TV* and *Adria TV* provided biased news coverage in favour of the list "For the Future of Montenegro".

The election commissions did not receive any complaints while the APC received 13 complaints on public employment and public spending, which, in the absence of an expedited process, are pending review. The Constitutional Court received two appeals by lists which were denied registration, reviewed them in a closed session and rejected them. The Constitution falls short of sufficiently regulating issues pertaining to the call of early parliamentary elections. The Court failed to review the constitutionality of the presidential decree dissolving parliament due to a tied vote, attributed by IEOM interlocutors to its politicization. SEC reviews complaints in public sessions but without the presence of the parties to the dispute and does not maintain a public complaints database. At odds with international good practice, the Constitutional Court deliberates in closed sessions, without the presence of the parties, and does not publish its decisions. The Court is not required by law to publish all its decisions but publishes some information on the outcomes. The dispute resolution mechanisms, as currently implemented, do not ensure due process, transparency or an effective and timely remedy.

Minority candidates were also well represented on mainstream candidate lists. Preferential rules apply for registering candidates lists representing national minorities, but the lack of clarity regarding the criteria for granting the national minority status for a list creates uncertainty. Further, while the preferential rules aim to protect national minorities, the provisions are open to abuse by contestants aiming to gain easier representation in parliament and access to public funding.

Election day was transparent, calm and professionally managed, with IEOM observers reporting positively on the conduct of all stages of the voting process. The process was transparent, voter ID was checked, and procedures followed in the vast majority of polling stations, with some procedural omissions. However, the majority of polling stations did not provide for independent access for persons with disabilities. Women represented 33 per cent of the polling staff. The vote count at polling stations was transparent but slightly less well managed than the voting process, with procedural safeguards not always followed. The tabulation process was assessed positively at all 25 MECs.

PRELIMINARY FINDINGS

Background and Political Context

The 11 June 2023 early parliamentary elections took place against the backdrop of a protracted institutional and constitutional crisis. The government led by the Prime Minister Dritan Abazović lost a confidence vote on 20 August 2022, but was not replaced as the former President, Milo Đukanović, refused the prime ministerial nomination of Miodrag Lekić from the Democratic Alliance (DEMOS) and the government of Mr. Abazović remained in office. Amendments to allow nomination of a prime minister supported by a majority of MPs if the president declines to do so were adopted by the parliament on 12 December 2022 but not applied. On 16 March 2023, President Đukanović dissolved the parliament and called for early elections to take place on 11 June, yet questions regarding the constitutionality of the provisions that underpinned the call for early parliamentary elections remained.

The early parliamentary elections took place almost immediately after the presidential election, held on 19 March with a second round on 2 April 2023.¹ Since then, three of the key opposition parties in the outgoing parliament – the Democratic Party of Socialists (DPS), the Social Democratic Party (SDP), and the Social Democrats (SD) - changed their leaders.² The Democratic Front (DF), a three-party opposition bloc established in 2012 and comprising the Democratic People's Party (DNP), the New Serb Democracy (NOVA), and the Movement for Changes (PZP), announced its dissolution. United Reform Action (URA), the party led by the Prime Minister Dritan Abazović, created a centrist block with Democratic Montenegro (DCG). A number of smaller parties changed their alliances. Montenegro was granted European Union candidate status in 2010 with membership negotiations starting in 2012.

Despite previous ODIHR recommendations, the inclusion of women in political life remains low and is undermined by insufficient state and public efforts to overcome gender stereotypes. Women hold some prominent positions, such as the Speaker of the Parliament, Mayor of Podgorica and the Head of the Podgorica Municipal Council, and the acting President of the Supreme Court, however they remain underrepresented in the overall political life. There were 23 women (28.4 per cent) in the outgoing parliament, in which for the first time a Women's Club, focusing on gender issues in the legislative process, was established. Out of the current 17 members of the government, 3 are women. Three out of the six sitting judges of the Constitutional Court are women.

¹ In the second round, the former President Milo Đukanović lost to Jakov Milatović, the Minister of Economic Development in the government of Zdravko Krivokapić and one of the leaders of Europe Now (ES), a political movement established in 2022.

² In the last parliamentary elections, held in 2020, DPS, which had ruled the country since 1991, moved to the opposition despite having won the largest number of seats. A slim parliamentary majority of 41 members of parliament was formed by a broad coalition of political parties united in three different political blocks.

Electoral System and Legal Framework

The 81-member unicameral parliament (*Skupština*) is elected for a four-year term from closed candidate lists under a proportional representation system in a single nationwide constituency. Candidate lists are eligible for seats if they obtain at least 3 per cent of the valid votes cast. Preferential rules apply for lists representing national minorities not exceeding 15 per cent of the total population.

Parliamentary elections are primarily regulated by the 2007 Constitution, the 1998 Law on Elections of Councilors and Members of Parliament (election law), the 2020 Law on Financing of Political Subjects and Election Campaigns (political finance law) and State Election Commission (SEC) instructions. While a new political finance law was adopted in 2020, the parliament has not amended the election law since 2014.³ The Constitution requires a two-thirds majority in parliament for amendments to laws regulating the electoral system, but opposition parties largely abstained from parliamentary committee on electoral reform, diminishing the possibility for changes.

The electoral legal framework provides a basis for the conduct of democratic elections. However, it contains gaps, inconsistencies and ambiguities undermining its effectiveness.⁴ Most prior ODIHR recommendations remain unaddressed, including on residence requirements for voting and candidacy rights, registration of candidate lists representing national minorities, campaign finance oversight and sanctions, invalidation of results, media oversight and election dispute resolution.

Election Administration

The election administration structure comprises three levels, headed by the SEC. There are 25 Municipal Election Commissions (MECs). Both the SEC and MECs are permanent bodies with four-year terms. For these elections, 1,154 Polling Boards (PBs) were formed to administer the polling stations. The SEC has 11 members, MECs and PBs 5. The SEC and MECs are appointed by the parliament and municipal councils respectively, based on their political composition.⁵ PB members are appointed by the respective MEC for each election on the same basis. The majority of the IEOM interlocutors noted the politicised character of the SEC and the MECs but did not raise major concerns with their work and overall trust.

By law, election commissions are accountable to the bodies appointing them. However, there is a lack of clear criteria for dismissing members, which potentially could impact on their independence.⁶ The legislative requirement for all commission members, and at all levels, to be graduate lawyers, limits

³ In 2016, 2017 and 2020, the Constitutional Court amended the election law by repealing the termination of office of MPs in case of incompatibility with another public office, the disenfranchisement of voters with a mental disability and a provision dealing with providing access for voters with a disability to polling stations.

⁴ For instance, the law does not define the grounds for the invalidation of election results by the Constitutional Court and liability for forgery of voters' signatures for nomination of candidates and does not prescribe the format for publishing tabulated results. The law stipulates that appeals may be filed against Municipal Election Commission and SEC decisions rejecting or dismissing complaints but not against other decisions, actions and inactions. The rules on invalidation of results allow for arbitrary decisions, and the deadlines for challenging election results extend beyond the deadline for final results.

⁵ MECs in Kolašin, Pljevlja and Šavnik are not based on the most recent elections as prescribed by law, due to a failure to successfully conclude municipal elections, among other reasons. In Andrijevića, the MEC president should have been nominated by the DPS-SD coalition, but the local council appointed an SNP-nominated president.

⁶ See section II.3.1 of the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters](#) states. According to Paragraph 77 of the Explanatory Report "... bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable, but recall for disciplinary reasons is permissible - provided that the grounds for this are clearly and restrictively specified in law".

participation in the election administration.⁷ Positively, the SEC has adopted a code of conduct prescribing the principles, rules and obligations to which election management bodies should adhere.

For a limited time during the electoral period, permanent members of the SEC and MECs are joined by members representing registered candidates lists, and these extended members are to enjoy full voting rights. However, candidate lists do not always nominate them, or do so late in the process as there is no deadline for their appointment, resulting in lower-level commissions varying in size. Due to the appointing mechanism of both permanent and extended members the composition of the SEC and MECs showed a predominance of members nominated by the contestants forming the Together! candidate list. Women are underrepresented in the election administration; only 3 out of 11 permanent SEC commissioners and 37 per cent of MEC members are women. Local authorities do not collect data about the gender composition of the commissions.⁸

The SEC conducted the technical preparation of the election efficiently and according to established deadlines. Decisions were taken collegially and based on genuine discussions. SEC sessions observed by the ODIHR EOM were open to observers and media, agendas were posted in advance, and decisions were published, enhancing the transparency of the process.

The ODIHR EOM observed that, overall, MECs carried out their duties efficiently. However, the transparency of the process at the municipal level was sometimes lacking, with an inconsistent approach to the publication of agendas and minutes of MEC sessions.⁹ The ODIHR EOM noted that in some instances MEC sessions were often held *ad hoc* and at short notice, making it challenging for some stakeholders to attend them.¹⁰

The SEC has made significant efforts and issued detailed criteria for organizing polling stations in an accessible manner for people with disabilities in consultations with local stakeholders, and trained the MECs on such provisions. Despite these efforts, the ODIHR EOM observed, in several cases, a lack of practical implementation of these criteria during election day by lower-level election commissions. Local organizations reported low participation of persons with disabilities within the electoral administration. Mobile voting provisions are in place for voters with health-related issues, and assisted voting by a person of choice is possible for people with disabilities and illiterate voters. Special polling stations are set up in prisons and detainee facilities.

The SEC conducted capacity-building training on election day procedures for all MECs and produced comprehensive manuals and a video, including in sign language, on election day procedures for MECs and PBs. MECs were responsible for training their respective PBs but lacked a uniform approach. Additionally, the possibility for registered lists to change nominated PB members up to a day before the

⁷ Article 25(c) of the [International Covenant on Civil and Political Rights \(ICCPR\)](#) states that “every citizen shall have the right and the opportunity [...] without unreasonable restrictions to have access, on general terms of equality, to public service in his country”.

⁸ Paragraph 40.13 of the [1991 OSCE Moscow Document](#) commits participating States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”. Paragraph 48 of the [Convention on the Elimination of all forms of Discrimination Against Women \(CEDAW\)](#) General Recommendation No. 23 notes that “State parties should ... (d) include statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy [political] rights”.

⁹ The ODIHR EOM noted that the MECs in Cetinje, Danilovgrad, Gusinje, Herceg Novi, Kolašin, Kotor, Nikšić, Pljevlja, Plužine, Podgorica, Rožaje, Tivat, Berane, Bijelo Polje and Šavnik published the list of polling stations on their websites but did not publish meeting agendas and minutes. In Mojkovac, Petnjica, Plav, Ulcinj, Zeta, Tuzi and Žabljak, MECs have not published any information or documents on their websites. The MEC in Budva published the minutes of its sessions, while the MECs in Andrijevica and Bar were the ones that published more information and kept their websites updated.

¹⁰ The ODIHR EOM noted in Bar that MEC meetings are held on an *ad hoc* basis. In Ulcinj, the MEC informed the ODIHR EOM that they meet as needed and public notice of meetings is not required. In Berane, the ODIHR EOM was informed that MEC meetings are held as required but these are not public and so dates are not published.

vote discourages MECs from organizing the training until close to election day.¹¹ Voter education was insufficient and limited to a video prepared by the SEC on election day procedures aired on TV channels and online close to election day. Voters also received an invitation to go to vote from the Ministry of Interior (MoI).

Voter Registration

All citizens aged 18 or over, who have permanent residence in the country for at least two years prior to election day, have the right to vote. The length of this residency requirement is at odds with international standards.¹² Voter registration is passive. The MoI manages and compiles the voter register, aggregating data from the registers of residence, citizenship, births, and deaths. Voters can verify their data in person, online or via a call centre and may request clarification and corrections to the MoI no later than 15 days before election day. By law, the SEC, MECs, accredited observers, parliamentary parties, and candidate list representatives have the right to inspect the voter list and notify the MoI of deficiencies.

Overall, the voter registration process was transparent. Nevertheless, the trust in the voter registration framework is diminished as some IEOM interlocutors reiterated longstanding concerns about the accuracy of the voter list, notably regarding the number of voters living abroad and deceased persons included in the register. Moreover, the alleged practice of voters changing their residence before elections to vote in a different district further impacts on trust in the register. While these concerns are founded, it should be noted that they are mainly due to the legislative framework in place and possible omissions in reporting deaths to the local authorities.¹³ The legislation requires biometric identification of voters on election day, which provides for additional safeguards against misuse of the register.

Voter education and information campaigns to provide voters and stakeholders with information about the opportunities for corrections and updates were lacking. The MoI closed the voter register on 31 May and informed the IEOM that did not receive any requests for corrections from voters or reports from stakeholders that have access to the voter register. On 1 June, the SEC announced that 542,468 voters were registered.

Party and Candidate Registration

All eligible voters are allowed to stand as candidates. The residency requirement for the right to stand is at odds with international standards.¹⁴ Political parties, coalitions, and groups of voters may nominate candidates, and the election law does not prescribe any incompatibilities. Lists must comprise a number of candidates equal to at least two-thirds and, at most, equal to the maximum number of seats available.¹⁵ One in four candidates in a list must be of the underrepresented gender, and, overall, the underrepresented

¹¹ In Tuzi and Berane, the ODIHR EOM was informed that training would take place just prior to election day due to the high chance for changes to the nominated extended members. In Herceg Novi, the MEC informed the ODIHR EOM that it would not hold regular training for every board member, as some are experienced and would offer instructions on 7 and 8 June as required. Section II.3.1.g of the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters](#) states that "members of electoral commissions must receive standard training".

¹² Section I.1.1.c of the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters](#) states that "a length of residence requirement may be imposed on nationals solely for local or regional elections".

¹³ According to the election law, voters living abroad retain the right to vote, and, according to the law on permanent and temporary residence, citizens who emigrate are not obliged to deregister their permanent residence. Moreover, recent changes in the election law repealed the requirement of a six-month minimum residence prior to election day to vote in the respective electoral district, following a decision of the Constitutional Court.

¹⁴ See section I.1.1.c of the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters](#). Paragraph 15 of [General Comment No. 25 to the ICCPR](#) states that "any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation".

¹⁵ For parliamentary elections, the minimum number of candidates in each list is 54 and the maximum is 81.

gender must comprise at least 30 per cent of the total number of candidates on each list. Despite the quota, there is a lack of interest among most parties to promote the participation of women beyond the legal minimum.¹⁶ Of the 1,113 candidates registered by the SEC for these elections, 397 (35.67 per cent) were women.

Candidate lists must be supported by a minimum of 4,338 voter signatures.¹⁷ Preferential criteria apply to lists representing national minorities. Candidacy in more than one list is prohibited, and voters may sign in support of only one list, contrary to international good practices.¹⁸ Some interlocutors alleged that some parties unduly use voter data from the voter list and forge signatures.¹⁹ Voters can check online if their names have been included in the SEC database as supporting one of the candidate lists, but only once the lists have been confirmed by the SEC, which does not provide an effective or timely remedy. A voter who identifies that their name and signature were used to support a nomination without their approval may report this to the prosecutor, but the law does not prescribe liability for such a forgery. Overall, the process of signature collection is prone to abuse and does not adequately ensure integrity.²⁰

Candidate lists had to be submitted to the SEC between 7 April and 16 May. Out of a total of 17 lists submitted overall, 15 were registered.²¹ The SEC initially returned eight lists for corrections due to incorrect documents and/or an insufficient number of valid signatures.²² On 26 May, the SEC published the general candidate list, compiling all those registered for the upcoming elections. The process of candidate registration was overall inclusive and professionally administered by SEC as per established deadlines. Nonetheless, the SEC did not specify which signatures were declared invalid, delaying the ability of the lists to submit corrections.²³ The SEC raised concerns to the ODIHR EOM about time constraints and logistical challenges while conducting the verification process, which was exacerbated by the last-minute submission of the majority of lists.²⁴

¹⁶ Out of 15 candidate lists, only 3 reached 40 per cent of women candidates and a woman led only 1 list. [The Council of Europe's recommendation CM/Rec 2003\(3\)](#) refers to representation of men and women in all decision-making bodies in political or public life not falling below 40 per cent. Paragraph 15 of [CEDAW's General Recommendation No. 23](#) stresses the importance of not only removing *de iure* barriers but also achieving *de facto* equality in public and political life. Article 191c of the [1995 United Nations Beijing Declaration and Platform for Action](#) provides that political parties “shall consider incorporating gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men”.

¹⁷ The number of signatures must equal 0.8 per cent of the number of registered voters in the previous electoral process.

¹⁸ The SEC verifies if the same voter has supported more than one list starting from the second list submitted. Paragraph 196 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#), second edition, states that “a requirement that a citizen be allowed to sign in support of only one party should be avoided, as such a regulation would affect his/her right to freedom of association”.

¹⁹ By law, candidate lists have access to the voter list during the electoral period, while parliamentary parties have such access throughout the year.

²⁰ The prosecutor has no legal deadlines to complete the investigation. After a voter reports that their signature was forged, the prosecutor requests graphological examination of the signature by the Forensic Centre which may take months or years. In past elections, a similar investigation lasted four years and was terminated because the statute of limitations for forgery expired. The prosecutor is currently investigating 157 cases pending from the last presidential election.

²¹ DPS registered its candidate list in coalition with the Social Democrats (SD), the Liberal Party (LPCG), and the Democratic Union of Albanians (DUA). The ES accommodated on its list the candidates of United Montenegro (UCG), the Justice and Reconciliation Party (SPP), and a number of smaller parties, while the New Serb Democracy (NOVA) and the Democratic People's Party (DNP) run on a joint list with the Workers' Party (RP).

²² Seven lists were returned due to both incorrect documents and an insufficient number of valid signatures, and one due to an insufficient number of signatures only.

²³ The SEC did provide information but only after a request by the Montenegrin Civic Action (CGA) list.

²⁴ Election officials reported to the ODIHR EOM that the software used to identify the voters who signed the lists suffers from overload during working hours as the platform hosts other types of state services used by different state institutions.

Election Campaign

Fundamental freedoms were respected during the campaign. The political finance law allows contestants to start campaigning after the call for elections, provided they have opened a designated bank account. After registration of a candidate list, campaigning can also start in electronic media. The campaign was initially subdued, partly due to legal uncertainty regarding the date of the elections and the last-minute registration of contestants, but became more active in the two-week period leading up to the elections. The official inauguration of President Jakov Milatović on 20 May, and the celebrations of Montenegro's independence in the following days, were the first occasions contestants organized larger campaign events.²⁵ Generally, contestants conducted small-scale events, such as meetings with voters and door-to-door campaigning, and used social media, billboards and free airtime on public broadcasters. The 24-hour campaign silence does not include social media.

The majority of contestants expressed general satisfaction with the campaign environment and the level playing field. On 25 May, representatives of 14 of the 15 registered candidate lists signed a Code for a Fair and Democratic Electoral Process, which was developed by the local NGO Centre for Democratic Transition (CDT).²⁶ On 29 May, President Milatović, who is also the vice-president of the Europe Now political party, met with representatives of candidate lists, in a high-profile event, to underline the importance of a fair campaign and to improve the political environment and strengthen public trust in electoral process.²⁷

The campaign was competitive and voters could make a well-informed choice. The economy was the key issue raised in the campaign. The DPS-led coalition "Together!" as well as the SDP and the coalition of the Socialist People's Party (SNP) and DEMOS highlighted the importance of the European Union (EU) integration, while DCG and URA, running on the joint list "Courage Counts", as well as the PZP, emphasized combating corruption and organized crime. On 26 May, Milan Knežević, leader of DNP, attended the "Serbia of Hope" rally in Belgrade, organized by the Serbian Progressive Party addressed by its leader and President of Serbia Aleksandar Vučić. Mr. Knežević also addressed the gathering, praising Serbian fraternity and alleging excessive influence of foreign diplomatic representatives in Montenegrin politics. Following violence in Kosovo on 29 May, some electoral contestants took an active part in demonstrations in support of Serbs in Kosovo, resorting to divisive and populist rhetoric of choice between the protection of traditional and religious values and exposure to international influence.²⁸ On 6 June, the Minister of Interior stated that an investigation has been initiated into an allegation that the leader of the ES received funding from an indicted crypto-currency businessman and the Prime Minister convened a National Security Council on the issue. This issue became part of the discourse in the final days of the campaign. The ES filed a criminal complaint against the Prime Minister and the Minister of Interior for their role in this matter.

²⁵ On 21 May, the Government sent an SMS with Prime Minister Dritan Abazović's Independence Day greetings. Given that the prime minister was at the same time a candidate and the leader of URA, this could be seen as an undue advantage of incumbency.

²⁶ "For the Future of Montenegro" was the only candidates' list which did not respond to the CDT initiative. A number of parties opined that such a code should also become part of the electoral legislation.

²⁷ Representatives of "For the Future of Montenegro", "Justice for All", and the SDP chose not to participate in the meeting.

²⁸ On 31 May, politicians from the Socialist People's Party (SNP), and from the "People's Coalition" list attended the demonstration in Podgorica. On 1 June, political parties from the list "For the Future of Montenegro" organized in Nikšić a demonstration, which also received a blessing of the Serbian Orthodox Church. References to Kosovo in this text should be understood in full compliance with [United Nations Security Council Resolution 1244](#).

Campaigning on social networks was largely in line with other forms of campaign activity.²⁹ Some contestants started campaigning on social networks before opening the dedicated bank accounts.³⁰ Instances of negative or aggressive tone or rhetoric were noted.³¹ There was not always a clear distinction in the online posts by some political parties regarding the role of their respective leader in the campaign as opposed to their role in a senior state position.³²

Both the election law and political finance law provide for measures with the aim to prevent misuse of administrative resources. They regulate, among other matters, how public employment, use of official cars, and the introduction of new public subsidies during the electoral period should be managed. However, in practice, the provisions can be easily circumvented, which undermines their purpose of eliminating the use of administrative resources to a political advantage. Significant number of a public service and employment contracts were issued during the campaign.³³ Civil society organizations called on the government and public officials to refrain from misuse of administrative resources in the campaign.³⁴ Legislation also prohibits public officials from campaigning during working hours, yet, the observance of the provision is difficult to monitor and enforce.

Only a limited number of candidate lists promoted women's political participation and included gender-specific issues in their programs. No women candidates took part in 43 per cent of campaign events observed by the ODIHR EOM.³⁵ Some women politicians, as well as civil society, informed the IEOM about the problem of violence against women in politics, which is especially acute online and which, deters some women from taking an active part in political life.³⁶

Representatives of Courage Counts!, HGI, Together!, and Yes We Can! informed the ODIHR EOM of having persons with disabilities on their lists, yet almost none of those were placed in a winnable position. Issues related to people with disabilities were largely absent from the electoral programs and campaign events. Of the observed campaign events, 50 per cent were held in venues which allowed for an independent access for persons with disabilities.

²⁹ The ODIHR EOM observed campaigning on some social networks. Qualitative analysis of the narrative and tone of the campaign discourse was based on content posted on Facebook, Instagram, and Twitter by a range of electoral contestants and stakeholders.

³⁰ On 11 May 2023, the APC informed the ODIHR EOM that as of that date only the Civic Movement 'Preokret' had opened a dedicated bank account. However, instances of campaigning by other parties were noted by the ODIHR EOM prior to that date. For instance, the ES posted campaign materials on [8 May](#) and [10 May](#), DCG campaigned on [4 May](#) and [10 May](#) and the Free Montenegro (SCG), a party running in the "People's Coalition", campaigned on [8 May](#).

³¹ NOVA questioned the results of the 2006 independence referendum, while the PZP claimed that independence made the country dependent on organized crime. The PZP and its leader Nebojša Medojević called also for the DPS politicians to be stripped of their passports and property, and imprisoned. The SDP called the government of Zdravko Krivokapić 'clero-nationalistic'; the leader of the Democratic Union of Albanians (DUA) and a candidate, Mehmed Zenka, [stated](#) that the post-2020 governments brought bloodshed, knives, barbed wire, murder and slaughter.

³² For example, the [Facebook account of the BS](#) presents its leader, Ervin Ibrahimović, in his capacity as deputy Prime Minister and Minister of Capital Investments as part of their campaign; ES shares on its account contents from the accounts of President Jakov Milatović; and, the [URA Instagram account](#), includes campaign content and posts highlighting ongoing government activities, frequently with the name of the URA's candidate list and/or logo.

³³ For instance, fixed term and temporary employment contracts are exempt from the ban on new hires after the call of elections. According to data published by the APC, mandated with monitoring employment practices in the public sector, between the call of elections until 8 June, state institutions made 5,409 new hires including 252 permanent contracts, 3,251 fixed-term and 1,599 temporary employment contracts.

³⁴ See the [statement](#) of the CDT and the [statement](#) of the Center for Monitoring and Research (both in Montenegrin).

³⁵ The ODIHR EOM observed 37 campaign events in 17 municipalities, organized by 11 candidates' lists.

³⁶ For instance, on 19 May, the online portal "Aktuelno" published an article criticizing two URA women MPs for their political stances, resorting to derogatory and misogynistic language. The article's tone and language were criticized by political parties and civil society.

Campaign Finance

Campaign finance is regulated by the political finance law, adopted in 2020, which, *inter alia*, increased the limits for donations.³⁷ However, most previous ODIHR recommendations remained unaddressed, including on effective verification of the legality of donations, including from public contractors, an explicit obligation of the Agency for the Prevention of Corruption (APC) to identify and publish information on unreported finances, introduction of proportionate sanctions and the use of loans.

Registered candidate lists are entitled to public funding for the campaign, which collectively amounts to EUR 3.2 million.³⁸ Each candidate list received EUR 42,121 by 1 June while EUR 2.5 million will be allocated to the lists proportionally to the seats obtained in parliament.³⁹ Contestants may also obtain private donations. An individual may donate up to EUR 5,000 while a legal entity up to EUR 20,000. However, most contestants informed the IEOM that they conduct limited fundraising and they rely on public funding for the campaign and the annual public funds of their nominating parties, which may donate to the campaign without a limit.⁴⁰ Each candidate list may spend up to EUR 3.2 million, which according to several IEOM interlocutors is unreasonably high, not conducive to ensuring a level-playing field and potentially exerting an undue influence on voters.

Each prospective candidate list is required to open a dedicated bank account before beginning campaigning and at the latest one day after their registration by the SEC. All opened campaign accounts after their registration by the SEC while one list nominated by a group of voters opened an account before its registration.⁴¹ All contestants submitted their bi-weekly donation reports and their expenditure reports within the legal deadlines. Most contestants reported they get limited funding from donations and defer payments for expenses until after the elections. Final reports are due within 30 days of the election.

The APC, mandated with oversight of campaign finance, published the submitted campaign finance reports of the contestants on its website in a timely but not always accessible manner.⁴² The APC informed the ODIHR EOM that it verifies whether reported donations are made by registered voters, and also verifies that a donation is not from a person convicted for corruption.⁴³ It can verify whether donors are directors of public contractors but not owners of or shareholders in public contractors.⁴⁴ Donations do not need to be wire-transferred but may be deposited, which is not conducive to transparency regarding funding.⁴⁵ The APC informed the ODIHR EOM that it did not identify any donation from prohibited

³⁷ In addition, the law defined campaign activities within its scope and disallowed some commercial activities of political parties.

³⁸ For 2022 parliamentary parties were also entitled to annual public funding totaling EUR 5,170,126; 20 per cent is allocated equally to all parties, 60 per cent proportionally based on the number of seats a party secures in the parliament and the municipal assemblies and 20 per cent proportionally based on the number of women representatives a party has in both institutions. In addition, municipalities provide parties with premises or funds for renting premises.

³⁹ The total amount of campaign finance represents 0.25 per cent of the state budget. Twenty per cent (EUR 631,820) was disbursed equally to the 15 registered candidate lists 10 days prior to election day and 80 per cent will be allocated after submission of the final campaign finance reports, provided that no sanctions are imposed.

⁴⁰ Contestants informed the ODIHR EOM that they agree with companies and service providers that payments are made after elections, including in instalments from the regular public funding provided to parliamentary parties.

⁴¹ The list “Preokret” opened its campaign account well before its registration, on 13 April. All other lists opened accounts between 12 and 24 May.

⁴² Paragraph 258 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “digitalizing information and submitting it to the regulatory body in its digitalized, easily searchable and reusable form can facilitate oversight and therefore minimize the need for paper-based procedures”.

⁴³ The law bans donations from foreign and anonymous sources, public institutions, state-funded companies, religious communities, non-governmental organizations, casinos, gambling agencies and trade unions.

⁴⁴ The database on public procurement of the Ministry of Finance contains only the names of the directors of public contractors.

⁴⁵ Paragraph 212 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “another means to avoid undue influence from unknown sources is to state in relevant legislation that donations above a certain

sources. The APC contracted the same private agency as in the past elections, to collect information and report on campaign expenditure.⁴⁶

The contracted company informed the ODIHR EOM that it has tools to collect information on the estimated costs of campaign expenditure for all media, billboards and some social networks, but not on Google Ads and in-person campaign events. The company starts monitoring only after candidate registration, leaving the campaign before that unmonitored. Several billboards featuring the name, logo and colours of the candidate list “Yes We Can” appeared as early as mid-April. The list informed the ODIHR EOM that it opened a campaign account on 26 May, while these billboards were paid for by an affiliated NGO. The law prohibits third-party campaigning but does not provide for any sanctions.⁴⁷ Overall, the regulatory framework, as currently implemented, does not ensure the transparency, integrity and accountability of campaign finances.

Media

The media environment is diverse but polarized along political lines. Media outlets operate in a limited advertising market, which affects their financial viability and makes them vulnerable to influence from corporate and political interests. Television channels remain the main source of news, followed by social networks and online media, with print media playing a relatively marginal role.⁴⁸ Most of the private media outlets across broadcast, print and online media are partially or fully owned by foreign companies, including all four private television channels with a national license.⁴⁹ National and local television channels, as well as several channels from the region are accessible via the main cable operators.⁵⁰

According to the IEOM interlocutors and recent surveys, following the appointment of a new Council in 2021, the public broadcaster Radio and Television of Montenegro (*RTCG*) has regained public trust and increased its viewership.⁵¹ It runs three national television channels and two radio stations.⁵² In addition to the national public broadcaster, there are 16 local public broadcasters funded by municipalities. According to several ODIHR EOM interlocutors, local public broadcasters are prone to political influence by the ruling municipality majority.⁵³

(low) amount shall be made through bank transfer, bank check or bank credit card, to ensure their traceability in terms of amount and sources.

⁴⁶ The company “Arhimed” submits two reports to the APC, one before and one after election day. The APC cross-checks the campaign expenditure reported by the contestants against the information provided by “Arhimed” and requests invoices and contracts from the contestants, when necessary.

⁴⁷ Article 16 of [the Council of Europe, Committee of Ministers Recommendation 2003\(4\)](#) stipulates that “States should require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to effective, proportionate and dissuasive sanctions”. The campaign finance law prohibits, *inter alia*, non-governmental organizations from material and financial assistance and non-financial contributions to political entities or from running media/public campaigns on behalf of a political entity.

⁴⁸ See [CEMI Survey](#) published in May 2023.

⁴⁹ See CDT Reports on ownership of [televisions, online media and print media](#) published in January 2022. The majority shares of *Vijesti TV*, *Nova TV*, *Prva TV* and *Adria TV* are owned by Serbian companies or citizens.

⁵⁰ According to the Agency for Electronic Communications and Postal Services Survey conducted in April 2022, 93.4 per cent of the Montenegrin population uses cable operators to access television.

⁵¹ The current Director General was appointed in 2021 but a court decision ruled his appointment as unlawful. On 30 May, the Higher Court of Podgorica issued a decision ruling that the appointment of the RTCG General Director by the RTCG Council was not in line with the Law on Public Broadcasting Services. On 4 June, the Basic State prosecutor's office in Podgorica opened an investigation on the matter.

⁵² RTCG funding is largely from receipt of 0.3 per cent of the annual state budget.

⁵³ A recent example is *Gradska TV*, a local public broadcaster launched in 2021 by a DPS ruling majority in Podgorica. According to ODIHR EOM interlocutors *Gradska TV* displays an editorial line close to DPS. On 8 May, the new Mayor of Podgorica, from the political party Europe Now, proposed to replace the management of the television channel by allowing the Municipal Assembly to directly appoint the management, instead of the *Gradska TV* Council, enabling direct control over the local public broadcaster. The proposal was withdrawn on 10 May following a strong reaction from civil society and media associations.

Freedom of media is protected by the legislation. In 2021, the Criminal Code was amended to enhance protection of journalists and other media professionals by imposing harsher punishments for attacks and threats against them. According to the Media Trade Union of Montenegro, in the last two years fewer physical attacks were recorded though there have been more threats, including by email and on social networks. Crimes against media have been dealt with in an expedited manner.⁵⁴

The legal framework for media is comprehensive.⁵⁵ Broadcast media are primarily regulated by the Law on Electronic Media (LEM), while print and online media rely upon self-regulation. Election campaign coverage by public and private broadcasters is regulated by the election law, the LEM and relevant regulations issued by the Agency for Electronic Media (AEM). By law, voters have the right to be informed about political programmes of all electoral lists and public and private media are required to cover them in a balanced manner. Campaign coverage should be presented in election news segments clearly separated from other news programmes. Paid advertisement is allowed under equal conditions and without time limitations, provided that it is labelled as paid.⁵⁶ The public broadcaster *RTCG* is required to offer free airtime and equal election coverage as well as to organize election debates.⁵⁷

The effectiveness of the oversight of the election campaign is weakened by the absence of a regulatory body, as the election law does not mandate the AEM to oversee broadcast media compliance with the election law.⁵⁸ The AEM's mandate is limited to elaborating and overseeing election-related media by-laws and adjudicating complaints. Further, the AEM's sanctioning powers are limited either to issuing warnings to broadcast media or the extreme measure of revoking their broadcasting license, with no possibility for fines.⁵⁹ Print and online media rely upon self-regulation also for provisions contained in the election law, such as respect of the campaign silence period. As a result, at times, media related provisions of the election law are not enforced.⁶⁰ The AEM published a preliminary media monitoring report ahead of the election day, on 7 June.⁶¹

ODIHR EOM media monitoring showed that the public broadcaster complied with the legal requirement to offer contestants free airtime and equal access to election coverage.⁶² However, the election debates which had to include all 15 lists meant there was not sufficient time for discussion. Moreover, all interviews with contestants and free airtime provided were aired on the less popular Parliamentary

⁵⁴ See [MONTENEGRO Indicators on the Level of Media Freedom and Journalists' Safety 2022](#).

⁵⁵ Legal framework for the media includes a Law on Media, a Law on Public Broadcasting services (both amended in 2020), a Law on Electronic Media and by-laws issued by the AEM.

⁵⁶ In total, 48 media companies, including broadcast, print and online media, submitted their pricelists to the APC for this election campaign.

⁵⁷ The election law foresees a minimum of 200 seconds of free airtime daily and 3 minutes of election campaign coverage twice a day for each electoral list.

⁵⁸ The election law provides for an *ad hoc* parliamentary committee, rather than an independent body, to oversee media campaign coverage. However, this committee has not been established for the current elections or the past four elections.

⁵⁹ As required by law, 33 broadcast media companies informed the AEM about their intention to cover the election campaign. The AEM conducts a comprehensive media monitoring of 17 television channels and a random sample monitoring of all broadcasters covering elections. The AEM monitors compliance of the broadcast media with the LEM, AEM's regulations and other relevant bylaws, but not with the election law.

⁶⁰ For instance, four local public broadcasters (*RTV Budva*, *RTV Pljevlja*, *RTV Rozaje* and *Radio Tivat*) planned to air paid ads and also submitted their pricelist to APC, even though public broadcasters are forbidden from airing paid ads.

⁶¹ As of 7 June, the AEM had initiated nine *ex officio* procedures for identified violations and did not receive any complaints.

⁶² The sample includes seven television channels: national and local public TV channels *RTCG 1* and *Gradska TV*, the private TV channels *Vijesti TV*, *Prva TV* and *Adria TV* monitored from 18:00 to 24:00, as well as the election-related coverage of *RTCG2* and *RTCG Parliamentary*. The ODIHR EOM also followed election-related content in three online media outlets: *Vijesti*, *CDM*, and *Borba*.

television channel.⁶³ The public broadcaster of the Municipality of Podgorica *Gradska TV*, in line with the law, granted access to free airtime to all contestants. However, this local public TV channel offered more news coverage to the list “Together” both in terms of total time and direct speech, with 33 per cent and 43 per cent, respectively. *Gradska TV* provided negative news coverage of Prime Minister Abazović.

Private television channels offered election-related newscasts, interviews, talk shows, debates and paid advertising.⁶⁴ Overall, voters benefited from pluralistic media coverage and candidates were offered access to private broadcasters. *Vijesti TV*, the most popular private television channel, positively contributed to enabling voters to make an informed choice by organizing four election debates with representatives of what they considered to be the main lists, and provided fairly balanced news coverage.⁶⁵ *Prva TV* and *Adria TV* displayed a bias in favour of the electoral list “For the Future of Montenegro” which benefited from 33 and 40 per cent of their news coverage, respectively and with considerably more direct speech granted to representatives of this list. The lists “Aleksa and Dritan – Courage Counts” and “For the future of Montenegro” invested heavily in paid ads on monitored TV channels, representing 25 per cent each of the total paid coverage, followed by “Europe Now!” with 20 per cent.

Election Dispute Resolution

Complaints on breaches of voting rights may be filed to MECs and the SEC. The election law stipulates that SEC decisions dismissing or rejecting complaints may be appealed to the Constitutional Court. The SEC and the Constitutional Court consider that SEC decisions upholding complaints, as well as its actions and inactions, are exempt from judicial review, contrary to international good practice.⁶⁶ Candidates may challenge PB results but not MEC and SEC tabulated results, at odds with international standards and previous ODIHR and Council of Europe Venice Commission recommendations.⁶⁷ The law contains ambiguous provisions and grants wide discretionary powers to the MECs and the Constitutional Court to invalidate results.⁶⁸

Electoral contestants, citizen observers and voters may file complaints to election commissions while voters and citizen observers may file complaints to the Constitutional Court only for violations of their individual voting rights, at odds with international standards.⁶⁹ An expedited process is applicable to the

⁶³ *RTCG* aired four election debates on its first TV channel, *RTCG1*, and two on *RTCG Parliamentary*. All lists participated in the debates and also profited from a 45 minute interview each on *RTCG Parliamentary* TV channel. Election debates and interviews were made available also on the *RTCG* website.

⁶⁴ Most channels reported not having enough journalists and equipment to cover campaign events, resorting to using footage provided by contestants in their “election news” segments.

⁶⁵ *Vijesti TV* organized election debates inviting representatives of the lists “Aleksa and Dritan – Courage counts”, “Europe Now!”, “For the Future of Montenegro” and “Together!”

⁶⁶ The election law states that MEC actions, inactions and MEC and SEC decisions dismissing complaints on merits or on technical grounds may be appealed. Paragraph II 3.3.d of the Council of Europe’s Venice Commission [Code of Good Practice in Electoral Matters](#) states that “The appeal body must have authority in particular over such matters as the right to vote – including electoral registers – and eligibility, the validity of candidatures, proper observance of election campaign rules and the outcome of the elections”.

⁶⁷ Paragraph 92 of the [Code of Good Practice](#) (Explanatory Report) states “...failure to comply with the electoral law must be open to challenge before an appeal body. This applies in particular to the election results....”

⁶⁸ The law conditions requests for invalidation upon having recorded the alleged irregularity in the PB protocol and lists 13 grounds for optional and 8 grounds for mandatory invalidation of PB results by the MECs, including several which have no impact on the results. The law does not list any grounds for the Constitutional Court to invalidate results. In [Riza and Others v. Bulgaria](#) (2016), the European Court of Human Rights (ECtHR) noted that “the decision-making process on ineligibility or contestation of election results is accompanied by criteria framed to prevent arbitrary decisions. In particular, such a finding must be reached by a body which can provide a minimum of guarantees of its impartiality. Similarly, the discretion enjoyed by the body concerned must not be exorbitantly wide; it must be circumscribed, with sufficient precision, by the provisions of domestic law.”

⁶⁹ Paragraph 99 of the [Code of Good Practice](#) (Explanatory Report) states “Standing in such appeals must be granted as widely as possible. It must be open to every elector in the constituency and to every candidate standing for election there to lodge an appeal. A reasonable quorum may, however, be imposed for appeals by voters on the results of elections.”

MECs and the SEC; short deadlines are applicable to the Constitutional Court but may be extended.⁷⁰ SEC reviews complaints in public sessions but without the presence of parties to the dispute. SEC does not maintain a public complaints database but publishes minutes of sessions and decisions on complaints. At odds with international good practice, the Constitutional Court deliberates in closed sessions, without the presence of the parties and it is not required to publish all its decisions but publishes only some information on the outcome, failing to ensure due process and transparency.⁷¹

The Constitution falls short of sufficiently regulating issues pertaining to the call of early parliamentary elections.⁷² The Constitutional Court received one complaint challenging the Presidential Decree dissolving parliament and triggering early elections.⁷³ It reviewed the complaint on 7 April but failed to reach a decision due to a tied vote, which was attributed by many IEOM interlocutors to its politicisation.⁷⁴ Three judges denied the review of the Decree on the grounds that it is an individual administrative act, which is a narrow interpretation of the law. The court also received two appeals against SEC decisions denying registration to two candidate lists.⁷⁵ The court reviewed them in a closed session, rejected both of them as unfounded but did not publish any decision nor did it communicate the outcome to the applicants, at odds with international standards.⁷⁶

Individuals and legal entities may file complaints to the APC on campaign finances and breaches of the rules on public employment and expenditure by public institutions after the call of elections. The APC can also review such cases *ex officio*. Pursuant to complaints, the APC has 15 days to decide whether to refer cases to the Misdemeanour Court, which may impose sanctions on public institutions and public officials. APC decisions may be appealed to the Administrative Court. The two courts have no deadline to decide on such cases. The APC reviews cases *in camera* while courts do so in public sessions. At odds with international standards, the courts are not required to publish their decisions, while the APC publishes some information on complaints on its own initiative. While this mechanism does not fully ensure an expedient dispute resolution and due process, it may provide some transparency and accountability on the use of state resources, if implemented properly. The APC informed that 13 complaints were filed on public employment and public spending. None were referred to the court. The ODIHR EOM is not aware of any complaints filed pertaining to these elections or any cases dealt with by the police or the prosecutor. The dispute resolution mechanisms, as currently implemented, do not ensure due process, transparency and a timely and effective remedy.

⁷⁰ Complaints against a PB or MEC must be filed within 72 hours and reviewed within 24 hours. A 48-hour deadline is applicable both to appealing and reviewing SEC decisions but the 48-hour deadline for the Constitutional Court starts after the parties make written submissions, which are subject to varying deadlines.

⁷¹ Paragraph 100 of the [Code of Good Practice](#) (Explanatory Report) states “The appeal procedure should be of a judicial nature, in the sense that the right of the appellants to proceedings in which both parties are heard should be safeguarded.

⁷² Article 92.1 of the Constitution stipulates that “the parliament is dissolved in case it fails to elect a government within 90 days from the date the president nominated for the first time a candidate for prime minister” but it does not regulate the nomination of a prime minister in case of a vote of no-confidence.

⁷³ On 18 March, 41 MPs requested the temporary measure of suspension of the presidential decree of 17 March dissolving parliament until the new president is elected.

⁷⁴ Currently, the Constitutional Court consists of six judges as the parliament failed to appoint the seventh judge representing national minorities, which would have prevented cases of a tied vote.

⁷⁵ By the submitters of the candidate lists *Casa de Papel* and the Montenegrin Civic Action.

⁷⁶ Paragraph 13.9 of the [OSCE 1989 Vienna Document](#) provides for “the right to be promptly and officially informed of the decision taken on any appeal, including the legal grounds on which the decision was based. This information will be provided as a rule in writing and, in any event. In a way that will enable the individual to make effective use of further available remedies”.

Participation of National Minorities

The Constitution recognizes Montenegrin as the state language, allowing for the use of both Cyrillic and Latin script, with the former being used for election materials.⁷⁷ Serbian, Bosnian, Albanian and Croatian are also recognized as official languages. In accordance with the legal requirement on the official use of the minority language in municipalities in which at least 5 per cent of the population belongs to a minority, election materials, including the signature collection forms, PB poll books and bilingual ballot papers (Montenegrin and Albanian), were available in all polling stations in Tuzi and Ulcinj municipalities and in some polling stations of Bar, Gusinje, and Rožaje municipalities.

A number of interlocutors, including the Ombudsperson, stated that the affirmative measure of the lower electoral threshold for the Croat minority lists should be extended to the Roma community. The law does not prescribe any criteria for granting the status of a national minority candidate list, but allows for, *inter alia*, a lower number of support signatures. While the aim of the provisions is protection of national minorities, several ODIHR EOM interlocutors raised concerns that the provisions are open to abuse by contestants aiming to gain easier representation in parliament and access to public funding.⁷⁸ SEC registered four lists representing minorities, the Albanian Alliance, the Albanian Forum, the Bosniak Party (BS), and the Croatian Civic Initiative (HGI). Albanians, Bosniaks and Croats are also integrated in major political parties' lists, including in potentially winning positions

No discriminatory rhetoric against national minorities was observed or reported to the ODIHR EOM. While some electoral contestants underlined the importance of preserving the multi-ethnic character of the society, representatives of national minority candidate lists prioritized in their programs the interests of their respective communities.

Citizen and International Observers

The law provides for citizen and international election observers. SEC accredits both domestic and international organizations; though, international observers apply for accreditation in the first instance through the Ministry of Foreign Affairs. By law, observers have the right to observe all stages of the electoral process. As of 11 June, 20 citizen organizations have been accredited by SEC in an inclusive manner. Some citizen groups raised concerns about not being able to access the signature verification phase. The SEC met with the Agency on Personal Data Protection and Free Access to Information in a public consultation with domestic observer representatives in order to discuss the matter. However, the Agency expressed a negative opinion on the request from civil society to scrutinize the signature lists on the basis of data protection concerns.⁷⁹

Election Day

Election day was calm and according to IEOM observers, transparently and professionally managed by the election commissions. In almost all of the observations, the opening of the polling stations as well as the voting and tabulation were assessed positively. The counting process was assessed negatively in 7 polling stations (out of 55 observed) by IEOM observers. The law does not explicitly prohibit campaigning on social networks during the campaign silence period, and it was noted that ES, Courage Counts, For the Future of Montenegro and Together! were particularly active online on the day before and on election day.

⁷⁷ The candidates' lists for "Justice for All!", "People's Coalition" and "For the Future of Montenegro" were submitted and published by the SEC in Cyrillic. The rest of the lists were submitted in Latin.

⁷⁸ During the candidate registration process, the citizens' movement *Casa de Papel* submitted registration documents as an Italian minority candidate list, thereby requiring only 300 signatures. The list was not registered due to incomplete documentation, but the leader of *Casa de Papel* informed the ODIHR EOM that their intention behind the submission of the list was to mock the system, including affirmative measures.

⁷⁹ Concerns were also raised that identification of a voter's signature may disclose their political preference.

IEOM observed the opening proceedings in 59 polling stations, with all but one observations assessed as good or very good. Election materials were present in all polling stations and voting commenced on time in 52 polling stations observed. Some procedural issues were noted during the opening, such as the ballot box not being checked and sealed in the presence of first voters in 5 observed instances, and the tasks of individual PB members not being determined by drawing lots in 24 observations.

Observers positively assessed the voting process in 98 per cent of the 615 observations. Voting procedures were consistently followed in 92 per cent of the observations. In 27 per cent of polling stations visited the chairperson was a woman, and, overall, 33 per cent of PB members were women. The layout of the polling station was adequate to conduct voting in 96 per cent of the observations but in 6 per cent the layout did not adequately ensure the secrecy of the vote. In all polling stations visited, the PB co-operated fully with the IEOM observers. PB members were checking voters identification documents by Electronic Voter Identification Devices (EVID) in almost all of the polling stations observed. The transparency of the voting process was rated as good or very good everywhere and citizen observers were present in 60 per cent of the polling stations visited. However, IEOM observers reported a lack of awareness regarding the role of extended PB members. Extended PB members from Europe Now, Together!, Courage Counts, For the Future of Montenegro and “Justice for All” were most frequently present at polling stations observed.

IEOM observed some procedural shortcomings during voting; in 5 per cent of the observations the ballot box was not properly sealed; in 16 per cent the ordinal number of the voter was not circled in the register; in 9 per cent the confirmation slip was not signed by the PB chairperson and member of the opposition; and in 6 per cent the ballot control coupons and EVID slips were either never or only sometimes placed in the designated box. In 3 per cent unauthorized persons were present at the polling stations.

The majority of the polling stations visited were not conducive for voting of persons with disabilities. IEOM observers reported that 63 per cent of the polling stations visited did not provide for independent access for persons with a disability. In 28 per cent, the polling station layout was not suitable for persons with disabilities and in 15 per cent of observations, the polling station did not have the ballot sleeves for visually impaired voters.

IEOM observed the counting in 55 polling stations, assessing it as good or very good in 48 cases. The process was assessed as transparent in 51 of the observed counts and citizen observers were present in 37 cases. In seven cases the count was negatively assessed, with IEOM observers reporting that the procedures were not always followed. For instance, the number of unused ballots, as well as the number of control coupons and slips was not counted prior to opening the ballot box in 18 and 17 observations respectively. In 5 of the 42 polling stations, the PB had difficulties completing the protocol.

IEOM observed the tabulation at all 25 MECs. IEOM observers assessed the process as overall good and transparent in all of the observed locations. Citizen observers were present in five of the observed MECs. In four MECs IEOM observers reported that there was insufficient space or inadequate conditions and in 11 observed MECs there were some reconciliation problems. The preliminary voter turnout was announced as 55.31 per cent by the SEC. The SEC did not announce preliminary results, as the law requires only publication of complete preliminary results within 30 hours from closing of the voting.⁸⁰

***The English version of this report is the only official document.
An unofficial translation is available in Montenegrin language.***

⁸⁰ During this period, unofficial results are made available only by citizen observers and political parties.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Podgorica, 12 June 2023 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP). The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Nina Suomalainen is the Head of the ODIHR EOM, deployed from 5 May. Reinhold Lopatka headed the PACE delegation, and Nikos Papandreou headed the EP delegation.

Each institution involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some months after the completion of the electoral process. The PACE will present its report at its October 2023 part-session in Strasbourg. The EP will present the report at the upcoming meeting of the Delegation EU-Montenegro of the European Parliament.

The ODIHR EOM includes 13 experts in the capital and 12 long-term observers deployed throughout the country. On election day, 129 observers from 27 countries were deployed, including the 12 long-term and 92 short-term observers deployed by ODIHR, as well as a 19-member delegation from the PACE, and a 6-member delegation from the EP. Opening was observed in 60 polling stations and voting was observed in 615 polling stations across the country. Counting was observed in 57 polling stations, and the tabulation in all 25 MECs.

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

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