



ROUND TABLE

Findings and recommendations from ENEMO IEOM to the 30 August 2020 Parliamentary Elections in Montenegro: promoting a comprehensive review of the electoral legislation



22 February, Podgorica - Round table "Parliamentary Elections in Montenegro: promoting a comprehensive review of the electoral legislation"

The European Network of Election Monitoring Organizations (ENEMO) held a round table event on February 22 in Podgorica, in the Parliament of Montenegro. Due to limitations related to the COVID-19 pandemic, ENEMO conducted the event under a “hybrid” format combining the physical presence of speakers and network inclusion via Zoom platform for other participants.

The aim of this round table was to bring together all stakeholders in the election process in Montenegro, in order to share and directly discuss the observations and recommendations of ENEMO’s mission. This was an opportunity to consider future steps for Montenegro to improve



and amend the electoral legislation in an inclusive, transparent and comprehensive manner. Among other key stakeholders, the event gathered the Chairman of the SEC, Head of Department for Implementation of Measures to Control the Financing of Political Entities and Election Campaigns and Director of the Agency for Electronic Media. The opening panel hosted **Dr. Gianluca Passarelli**, Head of the Mission, ENEMO 2020 IEOM to Montenegro, **Mr. Aleksa Bečić**, Speaker of the Parliament of Montenegro, Her Excellency **Ambassador Ms. Judy Reinke**, US Embassy in Montenegro and **Ms. Slavica Biljarska**, Resident Program Manager, National Democratic Institute (NDI).

Head of the ENEMO Mission Dr Gianluca Passarelli stated that the election process was an essential element of all democratic countries, and that respect for international standards in election management was the basis for strengthening and consolidating democracy in a country and a guarantee to citizens that their rights would be respected.



Dr Gianluca Passarelli, Head of the Mission, ENEMO 2020 IEOM to Montenegro

"The health of the electoral process is a great indicator of human rights, inequality, the role of women, the relevance of young people, and the level of democracy in general. Therefore, monitoring elections means monitoring society as a whole", Dr. Pasarelli said.



Dr. Gianluca Passarelli emphasized the importance of the presence of international observers such as ENEMO's. ENEMO has contributed to improving the transparency of the election process, assessing its integrity and compatibility with international standards and domestic legislation, but also in making recommendations for improving certain areas.

President of the Parliament of Montenegro Mr Aleksa Bečić took part in the round table. President Bečić said that ENEMO representatives took part in writing history, by monitoring the national elections in a devoted and unbiased manner. Moreover, President Bečić emphasized that creating conditions for fair and free elections, whose outcome would be acceptable to all election participants, and not contested by either the domestic or international public, remained a priority of the Parliament in the first year of its term.



Mr Aleksa Bečić, President of the Parliament of Montenegro

“In this regards, we adopted the Decision on establishing the Committee on Comprehensive Electoral Reform. The deadline for the Committee to complete its work is 30 June, and it is expected that soon it will be filled with members from both the government and the opposition, on a parity basis”, the President of the Parliament said.

President Aleksa Bečić said that ENEMO's final report on the 30th August Parliamentary elections represents a comprehensive analysis, which broadly treated the events before the election and on the Election Day itself.



“Instead of the conclusion, it contains around forty recommendations, of which 25 are related to the Parliament. Therefore, I can already promise that the Parliament of Montenegro will treat them with due care and seriously consider each of them”, the President of the Parliament said.

Ambassador Judy Reinke, in her virtual address, said that she is very proud that ENEMO’s work is supported by the US State Department, and the National Endowment for Democracy (NED) along with the National Democratic Institute (NDI). The Ambassador emphasized that ruling parties and the opposition will need to collaborate, in order to carry out the necessary electoral reforms.



Ambassador Ms Judy Reinke, US Embassy in Montenegro

“In order to carry out the necessary electoral reforms, the ruling parties and the opposition will have to come together and collaborate. As Speaker Bečić and his parliamentary colleagues know, this will be hard work, and sacrifices will have to be made on both sides, but I am confident in your ability to put party politics aside to find a common ground and to do the important legislative work on behalf of the Montenegrin people”, Ambassador Reinke said.

Representative of the National Democratic Institute (NDI) Ms Slavica Biljarska said that although international and domestic observers generally assessed the elections to be in accordance with



standards for free and fair elections, they still made remarks and recommendations for its improvement.



Ms Slavica Biljarska, Resident Program Manager- Montenegro, National Democratic Institute (NDI)

“However, it is necessary to emphasize that after the elections, and even after this discussion, it is the responsibility of political representatives to address these recommendations and to incorporate them adequately into legislation. Therefore, enthusiasm and determination should be shown to ensure the credibility of the election process. The credibility of the election process is possible only if the public and all political actors participate in all its phases, including determining the provisions according to which the elections will be conducted, and if they are sure that the process is inclusive, transparent and responsible,” Ms Biljarska said.

Ms Biljarska also mentioned that every election was an opportunity to help in promoting democratic progress.

“For more than three decades, the Institute has been supporting non-partisan civic groups in monitoring elections worldwide, in line with the highest international standards of transparency, impartiality and professionalism. Our efforts during Montenegrin national elections of 2020 also served the same purpose. Through our support to ENEMO and CDT, we were trying to contribute



to the protection of electoral integrity of Montenegro enabling citizens to be participants and guardians of their local elections”, Ms Biljarska said.

During the second panel, representatives of institutions actively participating in the electoral process in Montenegro, Mr Aleksa Ivanović, Chairman of the CEC, Mr Dušan Drakić, Head of Department for Implementation of Measures to Control the Financing of Political Entities and Election Campaign, and Mr Goran Vuković, Director of the Agency for Electronic Media addressed the audience.

Chairman of the CEC, Mr Aleksa Ivanovic said that he accepted the criticism that the institution had a long debate in order to make recommendations regarding the holding of elections during the Covid-19 pandemic.



Mr Aleksa Ivanović, Chairman of the CEC

"It was not easy to decide how to conduct the elections, and not endanger lives," Mr Ivanovic said.

Moreover, he said that he had taken a decision to start drafting all the rules for more efficient functioning of the CEC.



"The CEC did not have all the internal documents it should have. Working groups have been formed and will work on that ", stated Mr Ivanović.

Mr Ivanović also said that rules concerning electronic data processing are especially important, because they are personal data.

Mr Dušan Drakić, Head of Department for Implementation of Measures to Control the Financing of Political Entities and Election Campaign, emphasized that one of the key priorities of the organisation is the implementation of the Law on Financing of Political Entities.



Mr Dušan Drakić, Head of Department for Implementation of Measures to Control the Financing of Political Entities and Election Campaigns

When it comes to changes in the election legislation, Mr Drakić will advocate changes in the Law in that area.

"The Agency will support the work of the Assembly in order to change that law. The entire documentation is ready, there are recommendations of the European Union (EU), the Council of Europe, ODIHR and ENEMO, as well as the civil sector, they are all in one place ", stated Mr Drakić.



Director of the Agency for Electronic Media (AEM) Goran Vuković believes that the adoption of solutions should be approached carefully and that would repress the negative effects, trends and risks associated with the growing influence and use of social networks.



Mr Goran Vuković, Director of the Agency for Electronic Media

"We believe that the AEM, as a regulatory body for audio-visual media services, must not and should not monitor social networks.. We believe that AEM should not in any case be in charge of monitoring the announcements of political entities on social networks and monitoring the costs associated with these activities", said Mr Vuković.

In the third panel of the event, ENEMO Secretariat Member and Election Campaign Analyst for the ENEMO International Election Observation Mission in Montenegro, Pierre Peytier, said that ENEMO believes that further alignment of the election legal framework through comprehensive and inclusive electoral reform is needed.



Mr Pierre Peytier, Member of the ENEMO Secretariat, Election Campaign Analyst, ENEMO 2020 IEOM to

Montenegro

"Overlapping of existing laws containing contradicting or unclear provisions limit legal certainty and leave space for abuse and should therefore be addressed through an overhaul of the Law on the Election of MPs and Councilors in unison with other laws", Mr Peytier said.

He said that ENEMO believes that epidemiological measures for organizing and holding elections should be the subject of a draft law submitted to the Parliament before the elections, in order to ensure the principle of legal hierarchy of norms and increase the legitimacy of adopted measures.

Executive Director of CeMI Teodora Gilić, stated that it is necessary to improve the Automatic Finger Print Identification System system so that it will investigate the control of photo identity. She added that in that way, the abuse of the voter list will be prevented in cases of persons who were issued several ID cards with different identities.



Ms Teodora Gilić, Executive Director of the Center for Monitoring and Research (CeMI)

"We believe that it is necessary to introduce biometric ID cards as mandatory for all citizens, while providing more favorable conditions so that every citizen would be able to get their personal document," said Ms Gilić.

Director of the Center for Democratic Transitions (CDT), Milica Kovačević, assessed the reform of the election administration as crucial in order to professionalize and depoliticize it. As she said, it is time to create a professional institution in charge of implementing election laws.



Ms Milica Kovačević, Director of the Center for Democratic Transitions (CDT)

"The current situation is such that the election administration at the local level is completely composed of presidents of political parties, and that nine out of eleven members in the SEC were elected according to party affiliations," Kovačević stated.

According to Ms Kovačević, the criteria prescribed by law in the public competition for the election of the SEC president are not strict enough to guarantee impartiality and professionalism.



All participants, including participants connected through the Zoom platform had the opportunity to participate in the discussion, ask questions, and highlight some of the recommendations to be discussed. During the discussion, it is highlighted that in order to change the electoral system, public service reform is needed as well.

The **full video of the round table** can be found at the following link: <https://www.youtube.com/watch?v=W8LA7jvXv5c>.

ENEMO would like to express its gratitude to National Empowerment for Democracy (NED), National Democratic Institute (NDI), and US Department (Bureau of Democracy, Human Rights, and Labor) that support the ENEMO mission, as well as to all participants that participated on 22 February at the Round Table *"Parliamentary Elections in Montenegro: promoting a comprehensive review of the electoral legislation"*.