



ENEMO International Election Observation Mission

Parliamentary Elections, 21 June - Serbia 2020

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

June 22nd 2020

The June 21st parliamentary elections were efficiently managed and fundamental freedoms were generally respected. However, the competitiveness of these elections were considerably damaged by partial boycott, campaigning limitations due to the COVID 19 pandemic, blurring of lines between State and the ruling parties, changes to the electoral law just before elections, and widespread pressure on independent media.

On June 1st 2020 the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission (IEOM) to Serbia to observe the Parliamentary Elections of 21 June 2020.

ENEMO has deployed a total of 6 Core Team experts based in Belgrade. The Mission is headed by Dr. Zlatko Vujovic. The IEOM's scope is limited in scale, and the IEOM has not engaged additional long-term or short-term observers and, as a result, did not conduct a comprehensive observation of the opening, voting, counting, and tabulation process on Election Day. However, the mission has provided information on the preparation and conduct of the elections, and observed at a few selected polling stations on the day of voting.

Additionally, until June 21st, the ENEMO CT experts have conducted 36 meetings, out of which 3 with election management bodies, 7 with political parties, 12 with state officials, 2 with media and 12 with domestic civil society organizations.

The mission has been monitoring and assessing the overall political and electoral environment, respect for the rights to elect and stand for election, conduct of election management bodies, campaigning, gender equity, traditional and social media, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the Serbian legal framework.

This Preliminary Statement is based on ENEMO's findings from the pre-election period and Election Day. The Mission will stay in the country until the conclusion of the electoral process to follow post-election developments. A final report, including a full assessment, which will depend in part on the conduct of the remaining stages of the elections, detailed findings, and recommendations, will be issued within sixty days from the certification of results.

Preliminary Conclusions

Following the changes to the date of elections for the members of the Serbian Parliament due to a state of emergency during the COVID-19 pandemic, the elections were newly set to take place on 21st of June 2020. Preliminary results indicate that the voter turnout was around 50%, with preliminary estimates indicating broad support for Serbian Progressive Party obtaining around 3/4 of the seats, and for the ruling coalition obtaining around 90% of seats in the Parliament. Preliminary results indicate that only one opposition party passed the threshold getting around 5% of seats in the new Parliament.

ENEMO raises concerns that changes to the electoral law, especially of important elements of the electoral system were made too close to the day of voting, which may have led to confusion or misinterpretation of the law. The new amendments in Serbia's electoral laws were introduced in February, and the latest in May 2020, the month before the day of voting. Those changes were not made in accordance with recommendations from *Venice Commission's Code of Good practice in Electoral Matters*, in respect to changing electoral laws not less than one year before elections.

In regards to the electoral administration, ENEMO observed the professionalism of the REC and timely management of the electoral process, given the challenges faced due to the high number of complaints received during the campaign.

Following the recommendations of the Crisis Team for combating the infectious disease Covid-19 in Serbia, the REC set specific rules and issued informative materials on the conduct of the voting process during Election Day. However, during the Election Day ENEMO observers noticed that not all observed polling boards followed the protection measures.

All working bodies (WBs) were established with full-membership, composed of 1,014 members in total, and the REC posted the list of WBs and their compositions on their website in a timely manner. In total, 8,434 Polling Boards (PBs) were established for Parliamentary elections, including 29 PBs set up in penitentiary institutions and 41 PBs established in countries abroad.

ENEMO highlights that even if training of the permanent members of the PBs were provided by the REC at the beginning of the year, contrary to good practices, trainings for the extended composition of the PBs were not conducted. This situation affected the performance of the PBs on Election Day.

The process of candidate registration led to confusion and was marked by suspicions from electoral participants. It revealed issues such as an overly burdensome signature certification procedure, a lack of clear rules for signature verification, and insufficient transparency of the registration process.

By the end of the deadline, the REC registered 21 candidate lists out of which eight parties, 11 coalitions, and two citizen groups. The submission of candidate lists began on March 4th and ended on June 5th 2020. ENEMO notes that all contestants complied with the latest changes of the law on gender representation, thus all of the registered lists followed the new quotas for the less represented gender, each list containing at least two-fifths of women. Nevertheless, ENEMO remains concerned since the law does not prescribe that quota needs to be maintained after candidate registration.

Concerns should also be raised regarding the lack of clear criteria for granting national minority status, and the unclear legal statute of the Minority National Council Opinion. These led to discretionary decisions of election bodies, who rejected two national minority proposals for registration. However, one day prior to

the election-day, Russian Party – Slobodan Nikolić, through Administrative Court Decision was granted the status of national minority.

ENEMO notes the lack of public scrutiny in regards to the Voter Registry, despite positive changes applied since past elections, such as taking into account the death and marriage registries. Excessively limiting the transparency of the voter registration process however is at odds with international standards which state that “electoral registers must be published”.

The campaign was significantly marked by the Covid-19 pandemic and by the boycott of the majority of opposition parties. Their political split became the focus of their narrative, particularly when it comes to the parties which remained in the boycott, resulting in lack of substance in their public appearances.

Although the campaign was mostly competitive, ENEMO observed that the unequal media coverage, misuse of administrative resources and functionary campaigning blurred the lines between the state and the ruling party.

The Covid-19 pandemic and functionary campaigning led to an atypical domination of the ruling party during both the pre-campaign and campaign periods. Functionary campaigning of the SNS leader and the incumbent President resulted in an uneven level playing field, giving SNS an advantage in terms of media coverage and social media presence. ENEMO emphasizes that in this way SNS conducted a covert election promotion and thus circumvented campaign finance regulations. Additionally, the lack of campaign finance reporting rules during the campaign and the absence of a thorough and timely reporting on sources of campaign funds, undercut campaign finance transparency and voters’ ability to make an informed choice.

ENEMO notes that traditional media and social media played a key role in the election campaign, particularly having in mind the preventive measures due to which mass gatherings were restricted as well as direct contacts between political actors and voters. However, not all candidates had equal access to traditional media outlets.

Media outlets in Serbia are regularly reported as being highly polarized, meaning that a certain media outlet most likely reported either for or against the ruling party, presenting voters with biased information. Consequently, there are allegations that the ruling party had a considerable influence on media outlets through controlling the advertising in media, distribution of state funds, personal relationships with the media ownership and influence on the owners.

The positive change in regards to the composition of the REM did not solve the vulnerabilities linked to the REM mandate. It is perceived by different interlocutors as not proactive enough, given the low number of the REM’s decisions and the slow pace of publishing their decisions and conclusions.

ENEMO emphasizes that there is no publicly available registry of all submitted complaints, which limits the transparency of the process. ENEMO’s mission will continue to monitor the post-electoral environment, in particular the complaints and appeals process.

On Election Day, ENEMO did not conduct a systematic observation throughout the country. However, representatives of the mission visited a number of polling stations. Election Day was, overall, calm and peaceful. The context of holding the elections was greatly influenced by the Covid-19 pandemic, while the polling boards seemed not fully confident in the procedures and sometimes disorganized. Observed irregularities include family voting, taking photos of the ballots, presence of suspicious cars and persons in the vicinity of PSs and keeping track of the voters on parallel voter lists.

Background

The elections for the members of the Serbian Parliament were held on 21st June 2020, although they were initially announced for 26th April. In March, Serbia faced a concerning rise in the number of COVID 19 cases. The global pandemic had its effects on the electoral process as well. The gravity of the threat influenced President Aleksandar Vucic to declare a state of emergency on 15th of March, which was followed closely by the decision to postpone the elections until the holding of such an event would no longer present a danger to public health. Finally, upon the abolishment of the state of emergency, the date of the elections was set for 21st of June.

Nevertheless, the state of emergency declaration caused slight disruption to the political activities of parties. The newly introduced state of emergency in Serbia caused the Republic Electoral Commission (REC) on 16th March to declare a halt of political activities until its passing.

Many interlocutors of the mission expressed their concern regarding the decision to hold elections in spite of the situation with COVID 19 limiting campaigning, as well as demotivating part of citizens to vote due to fear of possible infection.

Despite promises of state representatives that the electoral system would not be changed one year prior to elections, the Serbian parliament adopted changes to the electoral law twice in that period. The first time in February, and the latest in May, a month before elections. Accordingly, promises were not honored nor recommendations made by the Venice Commission followed.

Legal framework and electoral system

A. Legal Framework

Parliamentary elections are primarily governed by the 2006 Constitution and the Law on the election of members of Parliament¹. At the same time, certain segments of elections are regulated by the Law on the unified electoral register², Law on administrative disputes³, Law on financing political activities⁴ and Law on political parties⁵, Law on the Anti-Corruption Agency⁶.

The Law on the election of members of Parliament was substantially amended just before the official start of the electoral period in February 2020 (more recent and less substantial amendments were made in May 2020).

¹ "Official Gazette of RS", no. 35 of October 10th, 2000, no. 57 of May 30th, 2003, no. 72 of July 18th, 2003, no. 18 of February 25th, 2004, no. 85 of October 6th, 2005, no. 101 of November 21st, 2005, no. 104 of December 16th, 2009, no. 28 of April 26th, 2011, no. 36 of May 27th, 2011, no. 12 of February 8th, 2020, no. 68 of May 10th 2020.

² "Official Gazette of RS" no. 104 of December 16th, 2009, no. 99 of December 27th, 2011

³ "Official Gazette of RS", no. 111 of December 29, 2009

⁴ "Official Gazette of RS", no. 43 of June 14th, 2011, no. 123 of November 10th, 2014, no. 88 of December 13th, 2019

⁵ "Official Gazette of RS", no. 36 of May 15th, 2009, no. 61 of 10 July 2015

⁶ "Official Gazette of RS", no. 97 of October 27th, 2008, no. 53 of 29 July 29th, 2010, no. 66 of 7 September 7th, 2011, no. 67 of July 31st, 2013, no. 112 of December 17th, 2013, no. 8 of 26 January 26th, 2015, no. 88 of 13 December 2019. Law on Anti-Corruption Agency will be replaced with the Law on Prevention of Corruption from September 1 2020

Different interlocutors raised concerns about the way in which amendments were approved, being introduced less than a month before the elections were called⁷, without prior public consultations, public hearings, or any broader dialogue on them. Also, a number of interlocutors interpreted lowering of the threshold (from 5% to 3%) as a means of rendering the boycott strategy ineffective by encouraging a larger set of political groups to stand for seats in parliament.

By lowering the threshold, and applying the D'Hondt method of distribution of seats, national minorities were disadvantaged, as quotients would become higher. This disadvantage was compensated by additional weighting of the votes of national minorities (increasing quotients for 35%).

Other important changes to the legal framework regard prohibition of misuse of state and public resources in the Law on financing political activities and in the Law of Anti-Corruption Agency. ENEMO notes that the legal framework regarding campaign finance does not include provisions about reporting during election campaigns and explicit caps on expenditures. Other shortcomings refer to the imprecision of the rules on loans and under regulation of the campaigning by third parties.

Particular concerns regarding media regulation were raised due to ceasing to apply in the beginning of 2019 of the Regulation on the obligations of media providers during the pre-election period, while the new regulation was not yet introduced. Also, ENEMO underscores that no legal document that would regulate execution of media obligations of private media services during the election campaign was approved.

ENEMO further notes that some of the concerns regarding the legal framework that were raised in 2016 have not yet been addressed, including lack of *ex-officio* authority of the REC, issues regarding campaign regulations and monitoring, media regulations and oversight, and observers. Nevertheless, the existing legal framework provides sufficient grounds for the conduct of democratic elections.

B. Electoral System

For elections of members of the Serbian Parliament a list proportional system (List PR) with closed blocked list is used. Preferential voting is not allowed. Serbia represents a single multi seats constituency in which all 250 deputies are elected.

Only candidate lists that have passed the legal electoral threshold of 3% of total votes are included in the process of seat allocation. Amendments adopted in February this year have introduced lowering of the legal electoral threshold from 5% to 3%. The legal electoral threshold does not apply to lists of national minorities. The distribution of seats to candidate lists is done by the D'Hondt method.

Amendments from February increased the quotients of all electoral lists of political parties of national minorities and their coalitions for additional 35%, in order to improve minority representation in Serbian parliament. Above mentioned law changes increased the gender quota from 33% to 40%. Each list is obliged to have two candidates from the underrepresented gender out of every five. The gender quota does not apply a zipper system. There is no obligation to replace a leaving MP candidate with an MP from the same gender.

⁷ Paragraph II.2.b of the 2002 Venice Commission Code of Good Practice in Electoral Matters (Code of Good Practice) notes that the fundamental elements of electoral law should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.

Election Administration

Parliamentary elections in Serbia are administered by a two-tiered election administration, consisting of the Republic Election Commission (REC) and Polling Boards (PBs). Additionally, throughout all municipalities, the REC established 161 Working Bodies (WBs) tasked with technical and logistical support for the elections.

A. Republic Electoral Commission

The REC is a permanent body composed of a chairperson and a deputy, as well as 16 members and their deputies, all appointed for a four-year term by the Parliament. It also includes two non-voting members – a secretary and a representative of the National Statistical Office. Each registered contestant is entitled to appoint a member and a deputy in the extended composition to the REC.

The Republic Election Commission has the authority for organizing the electoral process in the whole territory of Serbia, while WBs are responsible for ensuring the work between REC and PBs within their territorial delimitation.

The performance of the REC during the entire monitored election period and in the aspects observed was mostly efficient and transparent. All decisions were adopted in a collegial manner, either unanimously or by an overwhelming majority. The REC implemented the necessary activities for organizing the 2020 Parliamentary elections in line with the time frame established according to the legal provisions and deadlines set therein.⁸ Following the beginning of the electoral period on March 4th, the REC held over 40 sessions up until Election Day. REC sessions were held in a transparent manner and were open to media and public, as well as observers, whereas all sessions were broadcasted live on the REC's webpage. In most cases, REC members and observers were provided with the agenda and other materials before the sessions, including minutes of previous sessions and decisions. Decisions of the REC were, generally, posted online. However some of them were not uploaded in a timely manner.

As of March 4th, the REC adopted a total of 391 regulatory acts since the start of the electoral process. Most of the resolutions were related to registration or refusal of candidate lists, formation of electoral commissions (PBs and WBs), expenses and procurements, approval of printing house, color of the ballot papers and checklist.

The REC adopted several instructions and guides for election administration bodies and has commissioned voter education materials on Election Day procedures, including video materials with sign language, which were broadcast through the public and social media. Following the recommendations of the Crisis Team for combating the Covid-19 in Serbia, the REC set specific rules and issued informative materials on conducting the voting process during the Election Day.⁹

On June 18th, the REC adopted the “Instruction on the conduct of voting on the territory of the Autonomous Province of Kosovo and Metohija¹⁰”, which enclosed the rules for voting, delivery of election materials and

⁸ In spite of the state of emergency declared in Serbia and the suspension of the electoral process due to the Covid-19 pandemic, the REC followed with an updated calendar and adjusted the deadlines shortly.

⁹ Given the active status of the Covid-19 pandemic in Serbia, the Crisis Team recommended the following measures of prevention: *Voters* should wear masks inside the polling stations (if needed masks will be provided), maintain physical distance of at least one meter between voters/members of the PBs, the mask will be temporarily removed in order to establishing identity; *Members of the PBs* are required to wear masks and gloves, contact between voters and members must not exceed 15 minutes (same recommendations apply to voting outside the polling stations); *Polling stations* should be cleaned 24 hours before the start of voting, the premises should be constantly ventilated (artificial ventilation should not be used), proper arrangement of the polling station in order to ensure physical distance, organizing a waiting area to avoid crowds.

¹⁰ All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244.

counting on Election Day. Concerns should be raised over the late decision adopted by the REC and its effects on the work and level of preparedness of the commissions.

Working Bodies

Working Bodies (hereinafter: WBs) consist of the coordinator, which is the head of the municipal/city administration, and members that are appointed at the proposal of parliamentary groups proportionately to their representation in the Parliament. The number of members of the WBs depends on the number of polling stations within the municipality/city; therefore, the number of members varies from 3 members to 11 members.

Working Bodies of the REC are not responsible for the conduct of elections. Their main competence include providing technical support to the electoral process at the territorial level, such as: collecting and consolidating nominations for the standing and expanded composition of the PBs, distributing and collecting materials to/from PBs, supporting PBs during Election Day and informing the REC on the course of voting. All WBs were established with full-membership, composed of 1,014 members in total, and the REC posted the list of WBs and their compositions on their website¹¹ in a timely manner.¹² Out of the total number of members 161 were coordinators and 853 were members. Few changes to the WBs compositions were made (3% out the total number of WBs members), while those changes did not affect the continuation of their activity.

ENEMO notes that the activity of Working Bodies up to the Election Day was successfully fulfilled.

B. Polling Boards

Polling Boards (hereinafter: PBs) consist of a chairperson as well as their deputies, and two members, all nominated by parliamentary groups proportionally to the number of deputies. The extended composition is formed by nominations (of a member and a deputy) of the registered contestants for the parliamentary elections. In case that a parliamentary group fails to submit the nominations for the permanent composition of the PBs to the working body in due time, the REC will appoint a person nominated by the Working Body. The nominations for the members of the PBs formed in penitentiary institutions and abroad were made at the proposals of the Ministry of Justice and the Ministry of Foreign Affairs.

The main functions of Polling Boards are to conduct voting, ensure the regularity and secrecy of voting, maintain order in the voting premises, vote count and compilation of results protocols at polling stations.

In total, 8 434 Polling Boards were established for Parliamentary elections. This included 29 PBs set up in penitentiary institutions and 41 PBs established in countries abroad.

Polling Boards were formed in due time and with an adequate number of members, except for 140 PBs.¹³ However, according to ENEMO interlocutors not all parliamentary parties that had the legal right to do so, nominated their members to PBs. Their places were filled with members nominated by the WBs.

On June 18th, two days prior to the Election Day, the REC modified the number of established Polling Stations abroad and for the territory of Kosovo. Hence instead of 41 PB established in countries abroad as decided previously, the REC excluded two PBs.¹⁴ The reasoning for this decision is based on the lack of

¹¹ The Decisions on the formation of working bodies can be found here: https://www.rik.parlament.gov.rs/tekst/22_85/radna-tela-republicke-izborne-komisije.php

¹² All WBs were formed by May 19th, except the WBs from Kosovo, which were formed on June 19th. In accordance with the provisions of the REC Instructions, the Commission may establish special rules on the formation of electoral authorities and bodies.

¹³ All PBs were formed by June 16th, except the PBs from Kosovo, which were formed on June 19th.

¹⁴ PB no. 14 Great Britain, Embassy of Serbia in London and PB no. 21 Lebanon, Embassy of Serbia in Beirut

response from the Foreign Ministry of Great Britain and the difficulties of secure transportation of electoral materials to Lebanon due to the pandemic. ENEMO notes that this decision significantly limits voters' rights to elect. Additionally, in regards to the establishment of PS, the changes to the number of the PBs on the territory of Kosovo show an increase in the number of the PBs, so instead of 90 PBs previously established ultimately there were 140 PBs. Training of the permanent members of the PBs was provided by the REC at the beginning of the year¹⁵. However, there is no evidence on whether trainings for the extended composition of the PBs were held or the level of the members' experience. Even though ENEMO interlocutors did not raise concerns in regards to the level of preparedness of PBs, ENEMO notes that contrary to good practice, election administration authorities did not organize trainings for all PB members.¹⁶

Registration of voters

Registration of citizens on the voter lists in Serbia is conducted ex officio by state authorities. The law grants the right to vote to all Serbian citizens that have reached 18 years of age and have permanent residency on the territory of the Republic of Serbia¹⁷. Right to vote will be revoked to those voters who lost legal capacity through a court decision.

The right to verify voters' personal information, was ensured by consulting the Unified Register of Voters (hereinafter: Register of Voters)¹⁸. Also, voters were entitled to apply for changes to the Register of Voters until June 18th and to register at a temporary place of voting until May 30th, 2020. In the same way, voters with temporary residence abroad had the right to submit a request in person and according to the data from the REC, for parliamentary elections from June 21st 2020, 13,529 voters registered to vote abroad.

As of June 18th, according to the REC, there were a total of 6,584,376 eligible voters¹⁹. Since past elections, the Register of Voters has been connected with the registers of the deaths and marriages. Thereby, there are enough grounds to consider that voter lists are more accurate and reliable. Although, despite previous international and domestic observers' recommendations, voter lists were not displayed for public scrutiny, therefore limiting the transparency of the voter registration process. This lack of public scrutiny is at odds with international standards which state that "electoral registers must be published"²⁰.

In September 2019, the Government of the Republic of Serbia formed a Working Group for the verification of the Unified Register of Voters²¹. Despite the fact that a Methodology for verification of the voters list was adopted by the Working group, the verification process did not begin before the parliamentary elections.

¹⁵ The REC organized, during December 2019 – February 2020, a series of activities in regards to trainings for the election administration bodies including trainings for the permanent members of PBs. However, trainings for the extended composition of the PBs were not performed. Nevertheless several materials on the work of the PBs were available on the REC webpage <https://www.rik.parlament.gov.rs/sekcija/2006/publikacije.php>

¹⁶ According to the recommendations of the Venice Commission Code of Good Practice in Electoral Matters, Section II.3.1.g, states that "members of electoral commissions must receive standard training."

¹⁷ Article 10, Law on the election of members of Parliament

¹⁸ <https://upit.birackispisak.gov.rs/>

¹⁹ At presidential elections 2017, the number of voters was higher with 140 573 voters.

²⁰ Paragraph I.1.2.iii of the Code of Good Practice

²¹ Decision 05 No. 02-9661 / 2019 of 26 September 2019, "Official Gazette of RS" No. 69/19.

Candidate registration

The rules on the eligibility of candidates for the parliamentary elections stipulate that every citizen who has a registered residence in Serbia and is over 18 years of age has the right to elect or stand as a candidate.

Candidate lists can be submitted by political parties, coalitions of parties or groups of citizens. The law does not limit the number of candidates in the lists, but it states that individual independent candidates are not allowed to contest in the parliamentary elections, which is contrary to Serbia's commitments towards international standards.²²

Candidate lists had to be submitted to the REC with the required supporting signatures of at least 10,000 voters. Each voter could support only one candidate list despite international recommendations.²³ All signatures had to be certified, in exchange of a 50 RSD fee, by municipal courts or notarized. The submission of candidate lists began on March 4th and ended on June 5th 2020.²⁴

ENEMO interlocutors mentioned that the signature certification procedure was overly burdensome on the account of the limited number of notaries available and intense demand. For instance, the political parties with a broader infrastructure were the first to proceed to signature certification by a notary, which led to the extension of the verification time for smaller contestants. Following the release of the state emergency due to the Covid-19 pandemic (May 12th), the Ministry of Justice and Ministry of Public Administration and Local Self-Government (hereinafter: MPA) issued a decision on the notarization of signatures based on which municipal or city administration were also temporarily allowed to conduct the process of signature certification. Even though this decision led to a simplification of the signature collection procedure and ensured public safety overall, at the same time it faced allegations of possible misconduct.

There are serious allegations of numerous political actors competing in the election that all parties besides SNS and SPS could not have independently collected a sufficient number of voters' signatures, meaning that all the opposition parties were allegedly artificially placed in the electoral race. As the Election Day approached, this thesis was more present in the media while its advocates reached towards institutional channels to prove that the participation of most contestants is not legal. Regardless of their veracity, these accusations may have influenced the voters' will or ability to make an informed choice.

The verification procedures for the submitted documents and supporting signatures were conducted at first by the REC, and later by the MPA in order to electronically verify the data against the Register of Voters. The lack of clear rules for signature verification and insufficient transparency of the process may have led to confusion and was marked by suspicions from the participants in the election process. However, no complaints were filed in regards to the process of signature verification.

By the end of the deadline, the REC registered 21 candidate lists out of which eight parties, 11 coalitions, and two groups of citizens. The REC published the candidate lists on its website, enabling voters to familiarize themselves with the candidates. In two cases, the REC at first refused to register the candidate

²² The right of independent candidates to stand for election is explicitly mentioned in the 1990 Copenhagen Document (Paragraph 7.5), where member States of the OSCE are committed to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."; Art. 25 of the ICCPR, and Paragraph 17 of the 1996 UNHCR General Comment no. 25 to Art. 25 of the ICCPR.

²³ Paragraph 77 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation states that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

²⁴ Due to the declared state of emergency in Serbia in regards to the Covid-19 pandemic, announced on March 16th, the electoral process was suspended. On May 6th the state of emergency was lifted and all electoral actions were resumed on May 11th 2020.

lists on formal grounds, although they were later registered.²⁵ One candidate list was refused registration due to errors and omissions found in the documents²⁶ and one candidate list was refused to be granted the position of a political party of the national minorities.²⁷

Electoral Campaign and Campaign Finance

A. Electoral Campaign

According to the law²⁸, candidates were allowed to commence their pre-election campaign from the day of calling the elections until the announcement of the final election results, with the exception of the electoral silence²⁹. A significantly broad timeframe for campaigning decreased the possibility of early campaigning, although the ruling party (SNS) used the Covid-19 pandemic and the delayed election to promote their success in the context of the upcoming election.³⁰ Campaign activities were limited to those whose costs are clearly linked to the election campaign, while all candidates running for the election were able to conduct campaign activities. Regarding campaign rules, there is a general lack of clear guidelines after the Regulation on the obligations of media providers during the pre-election period came out of power, while the new document was not yet introduced, which leaves space for potential misinterpretation of certain rules. The existing rules are spread throughout several laws instead of one unified document which would provide a clear overview of rules applicable to all actors involved in campaigning.

The campaign was characterized by the Covid-19 pandemic, extensive use of the functionary campaign, numerous parties boycotting the election, but also widespread pressure on public administration employees as well as using black PR to deal with political opponents, raising concerns over the impact it had on the fairness of the political campaign.

The Covid-19 pandemic significantly marked the campaign, leading to a delay of the election and, consequently, specific conditions for campaigning. The impossibility to organize rallies and outdoor campaign events led to an increase in campaigning via traditional media, social networks and the internet. Despite this opportunity, all parties besides the ruling party focused on collecting voters' signatures as soon as the state of emergency was cancelled. Nine parties that managed to collect the required number of signatures put their focus on increasing their presence in national media broadcasters as well as other

²⁵ The Zavetnici list was refused to be registered after the Administrative Court decided that the name of the list was not part of the name of the party, nor the name of the holder of the candidate list, stating a violation of Article 42 of the Law on the election of MPs. The contestant was given time (48 hours) to remove all deficiencies found in the documents and on May 26th the list was re-submitted to REC and registered. In the case of the Levijatan candidate list the REC refused to register the list, despite the fact that all shortcomings were resolved within the required timeframe, due to the insufficient numbers of votes to adopt the proposal. Only after the contestant filed a complaint to the REC the list was registered.

²⁶ The Socialism as the only way out NKPJ – SKOJ list was rejected as their submitters did not eliminate the deficiencies that were obstacles to the registration of the candidate list, such as: name of the group of citizens and candidate list, absence of certificates, invalid voter statements, insufficient number of signatures and failure to provide the data in an electronic format.

²⁷ The REC denied the position of a political party of the national minorities to the Coalition for Peacelist which did not declare their position of a political party of the national minorities at the submission of documents.

²⁸ Art. 2 of the Law on Financing the Political Campaign

²⁹ Electoral silence starts 48 hours before the Election Day and finishes at the time the polling stations close.

³⁰ <https://www.danas.rs/politika/figaro-vucic-koristi-korona-virus-da-bi-ojacao-svoj-uticaj/>,

<https://www.telegraf.rs/vesti/srbija/3173173-korona-virus-srbija-vanredno-stanje>,

<https://www.vreme.com/cms/view.php?id=1774160>, <https://insajder.net/sr/sajt/vazno/18028/>, <https://beta.rs/vesti/politika-vesti-srbija/126178-vucic-velika-zahvalnost-bia-za-pomoc-u-borbi-protiv-korona-virusa>

means of campaigning. For the majority of parties³¹ running in the election, the above resulted in a limited timeframe for conducting any proper campaign activities.

The Covid-19 pandemic also showed that the parties with more resources at their disposal adjusted to the new technologies more easily,³² and the opportunity to use media and social media to a greater extent. On the other hand, the majority of parties were limited in their attempts to reach the voters in these special electoral conditions. N1 media outlet decided to invite parties to send video replies to the questions concerning their agenda rather than simply publishing their promotional material, several political debates were held before the Election Day and all the lists were presented on a national broadcaster RTS. All the topics in the limelight concerned national issues and politics while local politics remained in the shadows, with the exception of some controversial local issues, such as illegal local landfills, illegal construction, air pollution in major cities as well as (un)acceptable energetical solutions in some locations. Despite having 21 political entities running in the election, ENEMO assesses that there was a lack of choice between clear and differentiated policy orientations and diverse campaign platforms of the parties.³³

The ruling parties intensified their official activities which were not directly connected to the campaign, but reporting on them significantly increased their presence in the media. This phenomenon is not regulated by any law, but is left to the discretion of each media outlet to determine in which way they will report on the ruling coalition's regular activities during the electoral campaign. ENEMO raises concerns that this increased the risk of media bias and uneven coverage of the electoral campaign.³⁴ Another sensitive media issue is how to report on the functionary campaign of Aleksandar Vučić since he is not an official candidate, but his party's list carries his name. He intensively promoted his party's activities, used the epidemiological situation in the country in his favor and continuously elaborated upon SNS' success in media appearances. ENEMO considers that the functionary campaign of the SNS leader, the incumbent President and other officials negatively affected the equal level-playing field, giving SNS advantage in terms of media coverage.³⁵

The Covid-19 pandemic and the functionary campaign led to an atypical domination of SNS during the pre-campaign as well as the campaign period. The state of emergency showed that the executive branch enjoys full domination compared to the judiciary and legislative branches, leading to the conclusion that the system of checks and balances is insufficient. Some gestures of the Government, such as providing each citizen with 100 EUR of financial aid during the pandemic, and an extensive set of activities performed in a seemingly official manner (inauguration of newly opened factories and facilities) significantly increased the presence in the public space of President Vučić, Prime Minister Brnabić and other SNS officials who are not running as candidates³⁶. Moreover, pressure on public employees remains

³¹ The first nine lists that submitted the required number of signatures before the state of emergency was introduced could have conducted their campaign activities as soon as the election was called for the second time, while the rest had to use this time to prepare their nomination.

³²<https://www.srbijadanas.com/vesti/info/uzivo-za-nasu-decu-poceo-je-prvi-online-skup-na-ovim-prostorima-2020-05-16>

³³ Only several parties published their program for the upcoming election (Broom 2020, SVM and Healthy Serbia), program norms (Victory for Serbia and 1 in 5 Million) or updated their previous programs (SRS).

³⁴ Par. 2.3. of the Code of Good Practice in Electoral Matters (Venice Commission 2002) states that equality of opportunity must be guaranteed for parties and candidates alike, implying a neutral attitude by the state authorities, including the coverage by the media, in particular by the publicly owned media.

³⁵ OSCE Copenhagen document from 1990 (par. 5.4) states that a clear separation between the State and political parties should be made and that political parties should not be merged with the State.

³⁶ All ministers besides Ivica Dačić (SPS), Branislav Nedimović (SNS) and Milan Krkobabić (Party of United Pensioners of Serbia, but runs on an SNS list) did not compete in the election.

a considerable concern as a number of workers must participate in the ruling party's activities in fear of losing their jobs, their contracts not being extended or their position being downgraded. Other illegal means of campaigning reported by local observers included the distribution of humanitarian packages to citizens, conducting work activities to clean up pedestrian zones, parks, landfills, organizing free programs, medical examinations and providing assistance in households, even though expenses incurred for humanitarian purposes are not in line with the Law on Financing the Political Activities. ENEMO raises concerns on the given misuse of administrative resources during the campaign period, giving the unfair advantage to the ruling party.³⁷

Another phenomenon that largely defined the election is the boycott of the majority of opposition parties, with two parties fully and one party partially leaving the boycott. Participation of parties that left the boycott faced open disapproval and dissatisfaction of those that have decided not to run. Furthermore, their political split became the focus of their narrative, especially when it comes to the parties that stayed in the boycott, resulting in lack of substance in their public appearances.

Concerning the narrative of the political campaign, there are cases of black PR which are quite dichotomic – either against the ruling party or in its favor. During the initial campaign period Aleksandar Vučić, SNS leader, used one third of his time to deal with his political opponents, while other representatives of parties in power mostly attributed credit for their work to their parties and made political promises. As the Election Day approached, SNS softened their narrative and avoided using black PR as a tool of undermining their political opponents, as the belief that the election would result in their favor became stronger. On the other hand, the opposition mostly sent promissory messages to voters, sometimes engaged in a negative campaign against their political opponents, called for the boycott and attributed credit to their parties. Generally, the opposition used a negative campaign more frequently, but the ruling party had twice as many opportunities to communicate with voters and their messages were able to reach a larger portion of voters.³⁸

Even though inviting party members and supporters is not against the rules for campaigning, there are widespread allegations concerning reaching out to voters, sometimes targeting certain underprivileged groups of citizens. As the Election Day approached, voters were contacted more frequently, even during the electoral silence, and regardless of their political preference. As this issue indicates potential misuse in terms of obtaining voters' personal data, it must be further looked into.

B. Campaign Finance

Campaign finance is regulated by The Law on Financing of Political Activities (hereinafter: LFPA) and the Law on the Anti-Corruption Agency (hereinafter: LACA). The Anti-Corruption Agency (hereinafter: ACA) exercises oversight over campaign financing only 30 days after the election results are announced.

³⁷ Venice Commission's "Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes" (2016) defines misuse of administrative resources as follows: "administrative resources are human, financial, material, in natura and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support."

³⁸ <https://crta.rs/izbori-2020-kampanja-pre-kampanje-2>, <https://crta.rs/izbori-2020-izvestaj-dugorocnih-posmatraca>, <https://crta.rs/izbori-2020-izvestaj-dugorocnih-posmatraca-za-period-25-maj-14-jun-2>

ENEMO is concerned with the lack of regulation in regards to campaign finance transparency and oversight during the campaign. Limited monitoring of campaign spending³⁹ and the absence of a thorough and timely reporting on sources of campaign funds undercuts campaign finance transparency and voters' ability to make an informed choice, contrary to GRECO and OSCE commitments⁴⁰.

LFPFA provides for a mixed campaign finance system, including both public and private financing for all participants in elections. Candidates are obliged to open special bank accounts for the campaign. Each of the candidates who requested public funds for campaigning and passed the election bond, has received RSD 7.45 million or EUR 63,000⁴¹. While the LFPFA sets revenue limits⁴² for campaigning, there are no explicit caps on expenditures, which lead to an uneven level playing field for all contestants. ENEMO emphasizes the urgent need to introduce limits for expenses in the LFPFA, in line with GRECO recommendations.

Even though allegations of multiple instances of misuse of public resources or functionary campaigning were reported from the very start of the election campaign and 20 complaints were filed by participants in elections⁴³, ACA issued only five warnings⁴⁴ related to breaching the Art. 23 (3) of the LFPFA and dismissed 15 complaints based on non-violation grounds. According to interlocutors, after the official interruption of election activities due to the introduction of the state of emergency, promotional activities of officials were even more intense and visible. They were mostly related to the fight against COVID-19 pandemic⁴⁵, receiving and distributing donations, but there were also visits to construction sites. Although not every case can be treated as misuse of public resources, which is punishable under Article 29 of the LACA, the observation of such instances of functionary campaigning, is an important step in understanding covert election promotion.⁴⁶

Media

A strong polarization is present in Serbian media, meaning that a certain media outlet is highly likely to report either for or against the ruling party, presenting voters with biased information. A dominant part of the media supports the parties in power and ignores the standards of equal representation by choosing to

³⁹ ACA has deployed 120 field observers to monitor the expenses of candidates during the campaign, however the results of their assessment will be published a long time after the election results are published.

⁴⁰ Article 7.3 of the United Nation Convention Against Corruption provides that "Each State Party shall also consider taking appropriate legislative and administrative measures to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". Paragraph 194, 200 and 206 of the ODIHR and Venice Commission Guidelines on Political Party Regulation state that "voters must have access to the relevant information as to the financial support given to political parties in order to hold them accountable. It requires timely publication of financial reports in a format understandable for the general public".

⁴¹ MF decision on the amount of funds from the public sources, <https://bit.ly/3edI53H>

⁴² The maximum value of annual donations that a natural person can give to a participant in elections to finance the campaign is a maximum of 20 average monthly salaries, while in the case of legal entities donations may reach to a maximum of 200 average monthly salaries. In 2020, one average monthly salary equals RSD 83 320 or EUR 708.

⁴³ Complaints published on ACA official page, <https://bit.ly/2YBHnH5>

⁴⁴ Bolja Srbija (from 26/05), Srpska napredna stranka (from 08/06), Socijalistička partija Srbije (SPS) - Jedinstvena Srbija (from 08/06), Grupa građana 'Novi ljudi za bolju Topolu' Topola (from 17/06), Srpska napredna stranka (from 17/06).

⁴⁵ Allegations related to the case of the Minister of Labor, Employment, Veterans and Social Affairs, Zoran Djordjevic, who visited, in May month, several old people's homes in southern Serbia (in Leskovac, Doljevac, Surdilica) and handed over protective equipment.

⁴⁶ Allegations that top officials had a 50% higher presence in their promotional events during the 50 days of the campaign (ending on June 17), compared to the same period in 2019.

report on the ruling parties in a positive tone, while presenting their political opponents in a negative manner. In 2019, the President's Media Advisor presented a list of 18 allegedly independent media outlets (including TV, radio and online outlets), indirectly confirming that there are media outlets in Serbia affiliated to the ruling coalition. Considering that there are over 2,000 active media outlets registered, the portion of alleged independent media makes less than one percent. Eighty percent of Serbian citizens inform themselves primarily through TV broadcasters, making television the most important and reliable source of information, compared to the printed press that is perceived as least reliable.⁴⁷ During the Covid-19 pandemic, the use of social networks strengthened. Currently, there are 741 electronic media outlets (380 terrestrial, 323 cable and 38 internet media) registered in Serbia that hold a valid license. Serbian media outlets are mostly owned by private persons and entities, even though the state and journalists sometimes partake in the ownership structure of some media. Despite the fact that the most media are privately owned, the ruling party has a grand influence on media through controlling the advertising in media, distribution of state funds, personal relationship with the media ownership and influence on the owners. All of this results in the lack of criticism of the governing parties and their prominent figures, especially in media classified as tabloids that continuously present false allegations as well as black PR against non-supporters of the parties and persons in power.

A. Traditional media

The Regulatory Body for Electronic Media (REM) is the main institution responsible for regulating the campaign in the media. This body follows the implementation of the Electronic Media Act which provides the framework for all media outlets and regulates their coverage of the electoral process. The lack of more specific regulations concerning media in terms of elections is worrying, particularly given that the Regulation on the Obligations of Media Providers During the Pre-Election Period came out of force while the new regulation was not yet introduced. Moreover, there were no recent legal amendments concerning the media prior to the election, besides three new brief documents concerning the campaign and media coverage of pre-electoral activities. The current composition of the REM, as a result of a compromise, is perceived as a positive change. Still, the REM's activities are considered less public than expected and the body is perceived by different interlocutors as not proactive enough, given the low number of the REM's decisions and the slow pace of publishing their decisions and conclusions.

After the REM forbade a campaign video of SNS where an underaged child participated, the ruling party used the opportunity to make multiple allegations of external political influence on Serbian politics given that the headquarters of one of the appellants (N1 television) are not in Serbia, despite the fact that several entities asked for the REM's opinion on this matter. Another forbidden video was the one promoting the boycott, but only after it had been aired for several days and only after REM's opinion was asked. It remains unclear who financed and created several versions of the video as, even though the boycott parties' activists appear in the video, they claim that it was created by an unknown CSO.

Three independent bodies conduct media monitoring of the campaign: the REM (as a national regulatory body), CRTA and BIRODI (as CSOs). While the REM's methodology remains unclear as the body publishes only segments of their report, CRTA and BIRODI have established a comprehensive methodology which is presented to citizens through their reports. However, discrepancies appear in the national body's report compared to other reports. For example, the REM's findings state that 44% of the

⁴⁷ <http://serbia.mom-rsf.org/en/context/media-consumption/>

national television broadcaster's (RTS) central news deal with the ruling party, while CRTA shows that this percentage goes up to 74%, similar to the BIRODI's monitoring. The reason for this large discrepancy lies in the fact that the REM does not analyze the regular part of the central news, but only its part dedicated to the promotional material of the candidates. Moreover, every mention of a certain political actor competing in the election, even if third parties discuss it, is recognized by the REM as airtime dedicated to the political entity.

When it comes to media reporting during the campaign period, representatives of parties in power were most often represented in a positive tone, the opposition boycotting the elections were represented in a negative tone, while other representatives of the opposition were mainly represented in a neutral tone. The general tone became more neutral after the state of emergency was cancelled, while all options became more present in the media. Even though this is a positive trend, the last-minute improvements hardly compensate for the lack of presence during the whole campaign period.

Pressure on media outlets, journalists and media monitors is present, especially when it comes to those perceived as independent, who claim that the pressure is continuous and targets both institutions and individuals. Threats of violence against physical persons and property are common as there are few rulings and several ongoing court cases concerning perpetrators having uttered physical threats, arson and death threats after a research or opinion polls were published or news were broadcasted, usually reflecting most on the ruling party or their supporters in a negative manner. Moreover, a journalist's phone was violently taken after she took a photo of Aleksandar Vučić's son in a public space and the photo was deleted from her phone, while the incident was not condemned by any member of SNS, including the President and the Prime Minister who used the incident to additionally defame the journalist.⁴⁸

B. Social media

Social media (Facebook, Instagram and Twitter) played an important role in the election campaign, particularly having in mind the pandemic of COVID-19 due to which mass gatherings were restricted as well as direct contacts between political actors and voters. The current health situation in Serbia increased the activity of political actors on social media which became a more significant and important aspect in the analysis of the election campaign. For the aim of this analysis, official accounts used by political parties who submitted candidate lists⁴⁹ opposition in a boycott and the leaders of political parties were targeted. The analysis covered 3 periods: (1) from March 4th when the election campaign started until March 16th, when the state of emergency was declared (2) from March 16th until May 10th and (3) the period from May 11th, when the state of emergency was terminated and the election campaign continued up to June 17th.

Through Facebook monitoring, ENEMO observers gained insight into the level of activity of political parties on Facebook (*post count*), implying how much they post on their Facebook profile and how much they use Facebook for election campaigns, also which subjects and topics are represented in the posts most often. Monitoring also provided insight into which posts are shared, commented on or liked by Facebook users.

⁴⁸<https://informer.rs/vesti/politika/525542/koja-sluzba-uhodi-porodicu-predsednika-srbije-sta-cilj-svinjarije-djukanovic-danilu-crta-meta-celu-direktno-ugrozava-zivot>, <https://www.slobodnaevropa.org/a/30671901.html>, <https://www.cenzolovka.rs/pritisci-i-napadi/brnabic-ne-zna-ko-je-aleksandar-vidojevic-i-porucuje-da-je-tema-predsednik-vucic/>, <http://www.nuns.rs/info/statements/48815/nuns-neprimerene-izjave-najvisih-zvanicnika-ugrozavaju-bezbednost-novinara.html>

⁴⁹ Not all political parties who submitted a candidate list have an official Facebook page. Some use Facebook profiles of their leaders. In these cases, mentioned profiles were used in the analysis

When it comes to the analysis of the content of the posts, the most represented subjects were the ruling Serbian Progressive Party and Aleksandar Vučić, while on the other hand, focus was mainly on opposition leaders, in a greater amount the opposition which boycotted these elections. The most dominant topics were related to the electoral conditions, the boycott, the epidemiological situation and the economy, depending on the period of the election campaign. Additionally, activities on the social networks of public officials indicate cases of abuse of public resources for incumbents re-election. Some public officials, such as the President Aleksandar Vučić, performed state visits during the election campaign, which included visits to the reconstruction of the highway, the reconstruction of the Health Center in Prokuplje, opening a new-built factory in Loznica, etc.

Analyzing three aforementioned periods, it is noticeable that the Serbian Progressive Party was the most active during the whole period starting from March 4th, with the average share of 19,21%. Besides Serbian Progressive Party, New Party, Broom 2020 and Movement of the Restoration of the Kingdom of Serbia posted the most, while parties which were least active were United Serbia with the average share of 0,9% and the Alliance of Vojvodina Hungarians with 0,79 %.

When it comes to the analysis of the profiles of party leaders, it is noticeable that a smaller number of posts were shared from the Facebook profiles of party leaders compared to the profiles of political parties. With elections approaching, political parties started to use Facebook profiles of their leader for promoting their campaigns.

Boycott-opposition was active the most during the state of emergency, with the average weekly post of 25%. Within boycott opposition, the most active were the profiles of Serbian Movement Dveri, Party of Freedom and Justice, Don't Let Belgrade D(r)own and United Trade Unions of Serbia "Sloga".

During this period, Facebook posts of Serbian Movement Dveri produced the most reactions. Their posts were also shared the most.

The period of the state of emergency mostly emphasized topics about the epidemiological situation and Covid-19. On one side, parties appealed to Serbian citizens to stay home in order to prevent infection, while on the other side political parties such as #1od5miliona and Dosta je bilo also focused on sharing negative posts regarding the work of Aleksandar Vucic and the Prime minister Ana Brnabic in the period of the health crisis in the country. These parties strongly criticized the declaration of the state of emergency, and publicly called Aleksandar Vucic to terminate it. #1od5miliona used hashtags such as #UkiniteTamnicu (abolish the dungeon) by which they were implying that Vucic "imprisoned" Serbian people by the announcement of the curfew obligation. Numerous posts of Dosta je bilo also had a negative connotation towards Vucic, emphasizing that he actually carried out a *coup d'etat* by declaring a curfew.

When it comes to the period after the state of emergency, one of the most problematic cases identified by social media monitoring relates to a promotional video with an underage girl. This video provoked criticism towards Aleksandar Vučić from the perspective of child abuse for political purposes. As a consequence, the Regulatory Body for Electronic media (REM) issued a decision on June 1st, banning the broadcasting of this video. Although this decision applies only to electronic media and does not cover the use of social networks, this case is particularly sensitive from the perspective of children's rights and based on the observation, the controversial video has not been removed immediately from the Facebook account of the Serbian Progressive Party and it was there by June 9th. It is important to emphasize that according to Article 30 of the Law on Public Information and Media, social media platforms are not media and therefore are not regulated by this Law. Considering this, regardless of the content, posts on these platforms cannot be banned

by any regulatory body. In this case, the only action that can be done is public appeal to the subject who is breaking the law.

It is also important to note that all analyzed profiles use the possibility of "sponsored" posts on Facebook. However, it is important to point out that the option to access certain data such as financial data of sponsored posts and demographics are not available for these parties. How much money the mentioned political parties allocate for sponsored posts on Facebook, as well as who is their target group is unknown

ENEMO did not conduct Twitter monitoring, but it is important to emphasize that Twitter removed approximately 8,500 accounts from its platform connected to a network promoting Aleksandar Vučić and Serbian Progressive Party⁵⁰.

Gender Representation

The current legal framework for elections prescribes that electoral list needs to be composed of at least 40 % of the candidates of less represented gender, and among every 5 candidates at least 2 candidates should be the persons belonging to the less represented gender. Concerns should be raised with regard to the lack of legal guarantees that gender quota would be maintained in case of candidates withdrawal after the attribution of the seats. ENEMO underscores that all electoral lists complied with the new quotas established by the law and were therefore registered. Two candidate lists had a woman as their first candidate.

Women were well represented in election management bodies, at different levels. Out of 79 permanent and extended members of the REC, 30 (38%) are women. Nevertheless the chairperson of the REC is a man. At the working bodies level, women were fairly well represented (43,59%), there are 50,93% of women within the coordinators and 42,20% among members.

National Minorities

In Serbia, in addition to the rights guaranteed to all citizens, the Constitution guarantees special individual or collective rights to the persons belonging to national minorities. National minorities are defined by Law⁵¹ in line with the Charter of Human and Minority Rights and Civil Liberties. In order to exercise the right to self-government in culture, education, information and the official use of languages and scripts, members of 23 minority communities have constituted their National Councils⁵².

According to the 2011 census, there are around 20 ethnic minorities in Serbia, the largest being Hungarians with over 290,000 inhabitants, Bosniaks with about 130,000 inhabitants and Roma with about 110,000 inhabitants.

While some elections materials (voting guides) were published on REC website in 11 languages of national minorities⁵³ decisions and instructions of the REC were published only in Serbian language. Moreover,

⁵⁰ According to the Stanford Internet Observatory cyber policy centre, the purpose of such accounts were the following: Cheerleading for Vučić and his party, SNS (The Serbian Progressive Party); Boosting Vučić-aligned content; Attacking the opposition.

⁵¹ Law on protection of the rights and freedoms of national minorities

⁵² <http://mduls.gov.rs/wp-content/uploads/Izvod-iz-Registar-nacionalnih-saveta-5.3.2020.pdf>

⁵³ Albanian, Bosnian, Bulgarian, Hungarian, Macedonian, Romanian, Ruthenian, Slovak, Croatian, Montenegrin and Czech

ballots were printed in 12 languages, with one, two, three, four or five language variants (29 variants), depending on which languages and scripts are in official use in certain municipalities / cities in the Republic of Serbia⁵⁴.

ENEMO notes that there are five political parties of national minorities and coalitions of political parties of national minorities⁵⁵, whose electoral lists were registered. Only one day before election-day, the position of national minority was established for one political party,⁵⁶ as a result of the Administrative Court Decision. ENEMO notes that lack of clear criteria for granting national minority status, and unclear legal statute of the Minority National Council Opinion could lead to the discretionary decision of election bodies.

Inclusion of Persons with Disabilities

The Law “On prevention of discrimination of persons with disabilities” guarantees, among other things, that the State shall ensure equality and social inclusion of persons with disabilities (PWDs), as well as the right and opportunity to elect and to be elected. The electoral provisions⁵⁷ states that municipal/city administrations should propose accessible polling stations (physically and communication wise).

The latest data available⁵⁸ from 2018 on the accessibility of polling stations (PS) show that premises were mostly inaccessible to PWDs, limiting their constitutional right to participate in elections.⁵⁹

In 2019, the REC issued a decision to conduct an estimation of accessibility at polling stations.⁶⁰ Following this decision, every two years, local administrations and administrations of Belgrade municipalities will collect and analyze the data to propose measures for improvement of these conditions. For the time being, the reports are available on the REC website⁶¹ in a disaggregated manner, which includes all cities that are further divided into polling stations. A full assessment is expected to be completed for the following elections.

With regards to the participation of persons with disabilities in the electoral process, the REC has undertaken some steps in this direction, such as publishing several guides for PWDs⁶² and video materials

⁵⁴ REC Decision on the form and appearance of ballots for voting in the elections for deputies of the National Assembly, scheduled for June 21, 2020

⁵⁵ Vajdasági Magyar Szövetség-Pásztor István – Vojvodina Hungarians Alliance (hungarian national minority), Academic Muamer Zukorlić – Just Straight – Justice and Reconciliation Party (SPP) – Democratic Macedonian Party (DPM) (bosniaks and macedonian national minorities) SDA Sandžaka – dr Sulejman Ugljanin (bosniaks national minority), Albanian Democratic Alternative – United Valley (albanian national minority).

⁵⁶ After annulling REC Decision for the second time, the Administrative Court decided to grant a statute of national minority to Russian Party.

⁵⁷ Article 51 of Instructions for conducting the election of MPs to the National Assembly, called for 21 June 2020

⁵⁸ Analysis of the accessibility of polling stations in Belgrade, Kragujevac and Sombor can be accessed on the following link: http://www.cilsrbija.org/ebib/201807241412210.analiza_pristupacnosti_birackih_mesta_beograd_kragujevac_sombor%20.pdf

⁵⁹ For instance, in the Belgrade municipalities such as Novi Beograd around 58% of the PBs are not accessible for the PWDs mostly because of the lack of ramps or lifting platform for the stairs, Inin Vracar 59%, and in Savski Venac 75% of PSs are defined as non-accessible referring to the same reasons as mentioned above. The results for the city of Kragujevac show that 62% of the PSs do not fulfil the requirements for accessibility, and Sombor with 88%.

⁶⁰ On December 6th 2019, the Republic Election Commission and the Center for Independent Living Serbia, signed the Protocol on comprehensive cooperation to ensure easier access to polling stations and equal participation in elections for persons with disabilities.

⁶¹ Municipal / city administration reports for each can be found here: <https://www.rik.parlament.gov.rs/tekst/3194/pristupacnost-birackih-mesta.php>

⁶² The guides can be found on the following links: <https://www.rik.parlament.gov.rs/sekcija/2006/publikacije.php>

with sign language⁶³, where persons with disabilities are encouraged to take part in the election process as voters and candidates.

ENEMO notes that several CSOs and authorities are working on empowering persons with disabilities, but so far PWDs are rarely, if at all addressed in the election campaign. Lack of accessible premises for PWDs to register and vote is at odds with international standards such as the UN Convention,⁶⁴ which Serbia ratified in 2009.

Complaints and Appeals

The Constitution guarantees the right to challenge any decisions on the rights, obligations or lawful interests. Every voter, candidate and submitter of an electoral list has the right to the protection of their suffrage, and can file complaints about the violations of the election law within 24 hours at the REC and it must decide within 48 hours. Thereby, some concerns about possible conflict of interest are raised when complaints against REC decisions are filed with the REC itself. The law does not provide for complaints to be filed directly with the PBs on Election Day. ENEMO notes that the right to effective remedy is limited due to challenging the decision to the same body that issued it, too short deadlines for lodging and deciding on election-related complaints⁶⁵ and due to the lack of possibility to lodge complaints at PBs on Election Day.

From the call of the election up to June 20th, the REC received 2880 complaints related to the electoral process. Among 2880 complaints, 2862 complaints regarded REC's Decision from May 11th 2020 on the continuation of the election activities conduct in the procedure of elections for deputies of the Parliament. All complaints were rejected as submitted out of the legal term or by unauthorized persons. Other 18 complaints regarded REC decisions on verifying candidates lists⁶⁶, on modification of the Instruction on conducting elections, procedures of the voter signature collection and verification, epidemiological situation and safety of continuation of election process, registration procedure, determination status of a national minority political party or a coalition of national minority political parties⁶⁷. While the majority of the complaints were rejected as groundless or as inadmissible, one complaint has been accepted and therefore REC's decision⁶⁸ was annulled.

Appeals are filed with the Administrative Court within 48 hours of the receipt of the decision and the Court must decide within 48 hours, being final jurisdiction and no extraordinary legal remedies may be submitted against it.

13 REC's decisions on complaints were appealed at the Administrative Court, and majority of them were rejected as groundless or submitted out of the legal term or by unauthorized persons. Three appeals have been accepted and REC's decisions⁶⁹ were annulled.

The Anti-Corruption Agency decides within 5 days on violation of the Law and impose measures, by initiating and conducting the procedure *ex-officio* or by receiving the complaint from a legal or natural person. From the beginning of the election campaign up to June 19th, the ACA issued 20 decisions on

⁶³ Several videos can be found at the following page: <https://www.youtube.com/channel/UCjBsJcOKD0qQLWcQqhdFDuw/videos>

⁶⁴ Article 29 of the UN Convention on the Rights of Persons with Disabilities, <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

⁶⁵ Paragraph II.3.3g of the Code of Good Practice recommends three to five days for lodging and deciding on election-related complaints.

⁶⁶ SNS list, Zavetnici's list, Healthy to Win's list

⁶⁷ Coalition for Peace, Russian Party

⁶⁸ REC's Decision on refusal to register the electoral list Levijatan Movement - I Live For Serbia

⁶⁹ REC Decision on complaint regarding verification election list of Zavetnica, 2 REC Decisions on complaint regarding refusal to grant statute of national minority to Russian Party.

complaints regarding misuse of public funds or other public resources. In 15 decisions ACA concluded that there are no grounds to decide on the claim that there is injury to art. 23 of the Law on financing of political activities. In 5 decisions regarding usage of premises of public institutions⁷⁰, usage of employees of public institutions or public companies in their official uniforms in their campaign material⁷¹, the Agency found that art. 23 (3) of the Law on financing of political activities was breached, applying in three cases warning measures and in one case- a corrective measure.

Chapter 15 from Criminal Code “Crimes against Electoral Rights” prescribes which conduct in the electoral process is considered a criminal offence. On June 16th one criminal offence relating to bribing of the voters, has been submitted against the director of the public company who promised a new road in the village, in case inhabitants will give the vote for a particular candidates list in the election.⁷²

Election Day

On Election Day, ENEMO did not conduct a systematic observation throughout the country, but its representatives visited a number of polling stations to observe the voting as well as the initial procedures when it comes to closing of the polling stations. Observers were able to properly monitor the voting and the closing procedure.

Election Day was, overall, calm and peaceful. The context of holding the elections was greatly influenced by the Covid-19 pandemic. The management of the polling process and conduct of the polling boards (PBs) was mainly assessed positively with the majority of PB staff and voters respecting the prescribed protective measures.

Opening procedures at polling stations observed were mostly respected, while the PBs seemed not fully confident in the procedures and sometimes disorganized. This was visible particularly regarding sealing the ballot boxes and preparing the control sheets, as well as following the prescribed procedures during the voting in regards to using the invisible spray, voter identification and handling the voters list. According to ENEMO observers, sometimes the setup of the polling stations was not appropriate due to limited space, which might have influenced the secrecy of vote at some polling stations (screens were placed in a way that PB staff could see the voter’s preference).

Domestic observers and media reported on several irregularities, such as keeping parallel track of the voters on parallel voters lists, presence of suspicious cars in the vicinity of PSs, taking photos of the ballots, family voting and indications of carousel voting. Moreover, several incidents that included fights among PB staff or voters, vandalizing parties’ premises and groups of unidentified persons taking photos at the PBs were reported in the media.

⁷⁰ Organization of the event by Healthy to Win with the purpose of promoting the political party in the premises of a local elementary school; usage of the premises of public companies in a video of Socialist Party of Serbia; organization of a political event by the citizens group “Novi ljudi za bolju Topolu” Topola in the school of Belosavci village.

⁷¹ Two statements were given by a doctor in her official uniform and by a man dressed in a uniform with the "EPS" emblem referring to public company “Elektroprivreda Srbije” in the promotional video of Serbian Progressive Party.

⁷²<https://crta.rs/wp-content/uploads/2020/06/Krivi%C4%8Dna-prijava-protiv-Zorana-Drobnjaka-v.d.-direktora-JP-Putevi-Srbije.pdf>

Observers

Specific guidelines providing for accreditation of domestic and international observers were adopted by the REC. Both domestic and international organizations have the right to observe the election process. All observer organizations can be accredited by the REC provided that they fulfill the accreditation requirements by officially being registered, and having election-related activities and election observation in their statutory documents. However, there is a limit to the number of citizen observers per organization per PBs, so that at each PB only one person will be able to observe. In addition, registered candidate lists through their nominating entities may appoint authorized representatives to each election administration body. The deadline for accreditation of domestic organizations expired on 15 June 2020, whereas the deadline for international organizations was 10 June 2020.

A. Domestic Observers

The REC has accredited 7 domestic observer organizations for the June 21st parliamentary elections, which will have overall 3 344 domestic observers: CRTA (2001 accredited observers), CeSID - (565), Gradjani na strazi, OFID (322), CIP (314), Centar za unapredjenje localnih politika (134), Akademska Inicijativa Forum 10 (7), UCOM (1). ENEMO interlocutors mentioned that the current provisions are less constraining compared to previous years and that they provide, for the first time, for observation of the homebound voting. Domestic observer organizations did not mention concerns in regards to limitations of both observer accreditation and monitoring process. Among the registered Citizen Observer Organizations, CeSID and CRTA are members of the Global Network of Domestic Election Monitors and of the European Network of Election Monitoring Organizations. ENEMO noted that these two organizations continue to be the leading election observer groups that have the largest presence in Serbia. Both of them conducted PVT on E-day⁷³.

B. International Observers

The REC has accredited 111 international observers, of which 2 international observation missions - OSCE/ODIHR with 12 election experts and ENEMO with 6 election experts. In addition, 93 international observers were accredited, including the US Embassy (25 accredited observers), EU Delegation (12), German Embassy (8), French Embassy (8), Canadian Embassy (5) and other international delegations from foreign election commissions and observers from diplomatic missions.

⁷³ CRTA (500 PBs), CeSID (500 PBs).

About ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on September 29, 2001, in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 30 international election observation missions to eight countries: Moldova 2019, Local Elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential Elections; Moldova 2018-19, Parliamentary Elections; Armenia 2018, Early Parliamentary Elections; Moldova 2016, Presidential Elections; Ukraine 2015, Regular Local elections; Ukraine 2014, Parliamentary elections; Ukraine 2014, Presidential elections; Ukraine 2013 – re-run of Parliamentary elections 2012 in 5 DEC's; Kosovo 2013, Local elections, first round; Ukraine 2012, Parliamentary elections; Kosovo 2011, Re – run of Parliamentary elections; Kosovo 2010, Parliamentary elections; Kyrgyzstan 2010, Parliamentary elections; Ukraine 2010, Presidential elections, second round; Ukraine 2010, Presidential elections, first round; Kosovo 2009, Local elections; Moldova 2009, Parliamentary elections; Georgia 2008, Presidential elections; Kyrgyzstan 2007, Parliamentary elections; Ukraine 2007, Parliamentary elections; Ukraine 2006, Local elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary elections; Kazakhstan 2005, Presidential elections; Albania 2005, Parliamentary elections; Kyrgyzstan 2005, Presidential elections; Kyrgyzstan 2005, Parliamentary elections; Ukraine 2004, Presidential elections, second round re-run; Ukraine 2004, Presidential elections.

ENEMO member organizations are: Center for Civic Initiatives CCI, Bosnia and Herzegovina; Center for Democratic Transition – CDT, Montenegro; Centre for Monitoring and Research – CeMI, Montenegro; Center for Free Elections and Democracy – CeSID, Serbia; In Defense of Voters' Rights 'GOLOS', Russia; GONG, Croatia; International Society for Fair Elections and Democracy – ISFED, Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; Promo- LEX, Moldova; OPORA, Ukraine; Society for Democratic Culture SDC, Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; Committee of Voters of Ukraine (CVU), Ukraine.

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

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ANNEX 1: Registered candidate lists

1. Aleksandar Vučić – For Our Children, Serbian Progressive Party (SNS)
2. Ivica Dačić – “Socialist Party of Serbia (SPS), United Serbia (JS) – Dragan Marković Palma” (SPS/JS)
3. Dr Vojislav Šešelj – Serbian Radical Party (SRS)
4. Vajdasági Magyar Szövetség-Pásztor István – Vojvodina Hungarians Alliance (SVM)
5. Aleksandar Šapić – Victory for Serbia (Victory for Serbia)
6. For the Kingdom of Serbia (The Movement of the Kingdom of Serbia, Monarchistic Front) – Žika Gojković (POKS)
7. United Democratic Serbia (Vojvodina Front, Serbia 21, The League of Vojvodina Socialdemocrats, Modern Serbia Party, Civil Democratic Forum, DSHV, Democratic Block, Together for Vojvodina, Romanian Serbs Union, Vojvodina Party, Montenegrin Party) (UDS)
8. Academic Muamer Zukorlić – Just Straight – Justice and Reconciliation Party (SPP) – Democratic Macedonian Party (DPM) (SPP/DPM)
9. BROOM 2020 (Broom 2020)
10. Milan Stamatović – Healthy to Win – Dragan Jovanović – Better Serbia – Healthy Srbija (Healthy to Win)
11. SDA Sandžaka – dr Sulejman Ugljanin (SDA Sandžak)
12. Milica Đurđević Stamenkovski – Serbian Party Zavetnici (Zavetnici)
13. National Block – Velimir Ilić – General Momir Stojanović (National Block)
14. Sergej Trifunović – Free Citizens’ Movement (PSG)
15. Sovereigns (Sovereigns)
16. Albanian Democratic Alternative – United Valley (ADA)
17. Group of Citizens: 1 in 5 Million (1 in 5 Million)
18. Take the Masks Off – Green Party – New Party (Take the Masks Off)
19. Russian Party – Slobodan Nikolić (Russian Party)
20. Čedomir Jovanović – Coalition for Peace (Liberal-democratic Party, Serbian Tolerance, Bosnian Citizen Party, Montenegrin Party, Vlach National Party, Liberal-democratic Movement of Vojvodina, Association of Yugoslavs in Serbia, AMARO – Action Network of Associations and Roma Organizations, Citizens’ Alliance “Homolja Romanians”, Skaska (Coalition for Peace)
21. Levijatan Movement – I Live for Serbia (Levijatan)