



ENEMO International Election Observation Mission

**Presidential and Early Parliamentary Elections
03 April 2022, Serbia**

**INTERIM REPORT
01 March - 21 March, 2022**

22 March, 2022

Elections are being held in a highly polarized socio-political context, strongly reflected in the media sphere. The involvement of public officials in campaigning, allegations of pressure on voters and misuse of state resources are reason for concern. Legal amendments have taken into account several recommendations of international and domestic observers. However these amendments were adopted just before the calling of elections, at odds with international standards.

On 01 March, 2022, the European Network of Election Monitoring Organizations (ENEMO) officially deployed an International Election Observation Mission (IEOM) to Serbia, to observe the upcoming Presidential and Early Parliamentary Elections of 03 April, 2022.

ENEMO has accredited a total of six Core Team experts based in Belgrade. The Mission is headed by Mr. Pierre Peytier. ENEMO has additionally deployed ten long-term observers (LTOs) in five multinational teams throughout the country, in five regions. On Election Day, ENEMO Long term observers will observe the opening of polling stations, voting and counting process on Election Day.

This is ENEMO's second mission to Serbia. ENEMO has already gained considerable experience through observing elections in the region since the creation of the network in 2001. The presence of ENEMO during the 03 April, 2022 Presidential and Early Parliamentary Elections in Serbia will provide the national and international community with elaborate information about the electoral process. Up until 20 March, 2022, the mission conducted 192 meetings, including meetings with election management bodies, political parties, candidates,

state officials, media and with domestic civil society organizations, in addition to observing 14 campaign activities (meetings or rallies).

The mission is monitoring and assessing the overall political and electoral environment, the right to elect and stand for election, conduct of election management bodies, campaigning, gender representation, voting and tabulation processes, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the national legal framework. ENEMO will raise the awareness of the domestic and international community regarding the main challenges and problems observed in the elections, thus advocating for adequate policy changes through the adoption of concrete recommendations in its final report.

This interim report is based on ENEMO's findings on the national level and throughout the regions observed from 01 March - 21 March, 2022, where ENEMO CT experts and LTOs focused on assessing the work of election administration bodies, registration of political parties and candidates, conduct of the election campaign, election-related complaints and appeals and other election related activities. The mission will issue its preliminary statement of findings and conclusions after the Election Day and will remain in the country to also follow the potential complaints and appeals after Election Day. The final report will be issued within sixty days from the certification of results.

Disclaimer: ENEMO's international observation mission for the 03 April, 2022 Presidential and Early Parliamentary Election in Serbia is financially supported by the National Endowment for Democracy, NED. The content of the document is the sole responsibility of ENEMO and does not necessarily represent the position of the donors.



Executive summary

Early parliamentary elections were called on 15 February 2022, following President Aleksandar Vucic's dissolution of the National Assembly. In accordance with the provisions enshrined in the Constitution, regular presidential elections were called on 02 March 2022.

Previous 2020 parliamentary elections were boycotted by the political opposition, and has since continued its strong criticism towards the ruling majority. Election preparations are unfolding in a polarized socio-political context, preceded by roadblocks and protests which culminated in December 2021 and January 2022, as well as a highly tense international context following the ongoing military aggression by the Russian Federation on Ukraine.

Following the longstanding demands for electoral reforms by various stakeholders, the legal framework was amended prior to the start of the electoral process. However these changes, some of which were substantial, were adopted right before the calling of elections. Legal amendments addressed a number of previous recommendations issued by international and domestic observation missions; however, essential segments of the electoral process remain to be fully addressed including related to media coverage, campaign finance regulations and misuse of administrative resources.

The REC is operating in an overall efficient and transparent manner, and adopted all decisions collegially by the majority of all members while ensuring quorum. Sessions broadcasted live on the REC web page were open and accessible for all interested stakeholders. For the first time, the LECs were given the possibility, apart from the technical operation of elections, to be involved substantially in the election process. However, publishing LECs' decisions with delay raises concerns, possibly hindering the proactiveness and performance of the middle-level election administration.

As of 19 March, there were 6 501 698 eligible voters. Despite the UVR, the electronic database is permanently updated, based on the voters' requests, the opportunity for public scrutiny is not given to political parties and civil society organizations. Several interlocutors of ENEMO raised concerns about the accuracy of the voters' lists and possible abuse of the right to change residence addresses, especially in the context of the local elections. In addition, ENEMO notes that the annulment of the residency requirement as one of the preconditions for participation in elections has increased potential risks for intentionally granting citizenship for the upcoming elections and leaves space for manipulation.

The REC for the parliamentary elections registered 18 candidate lists within the legal deadlines, including minority parties. For presidential elections, eight candidates were registered, three were women. The party and candidate lists had to be supported by certified signatures. More opportunities were given to small minority parties for participation in the elections due to the amendments allowing them to submit the halved number of signatures. ENEMO notes that a voter may support only one electoral list, contrary to international standards and leaving space for violating the secrecy of the vote, as it potentially reveals a voter's political preference. The

process of certifying signatures, according to some ENEMO interlocutors' created obstacles to equal political participation and raised concerns while delaying certification.

If implemented in good faith, the electoral legal framework generally provides for equitable campaigning conditions for contestants. The campaign has been generally peaceful so far, although its visibility has been partially affected by the short timeframe for campaigning, and the war in Ukraine highly concentrating media attention. Substantial concerns should be raised regarding allegations of pressure on public employees and voter intimidation, the involvement of public officials in the campaign and abuse of incumbency, along with misuse of state resources. Where necessary, ENEMO calls upon the competent state authorities to investigate possible cases, and further prosecute them as needed.

Amendments have brought the legal framework for campaign finance more in line with GRECO recommendations, including a newly introduced interim financial reporting obligation before Election Day. However, longstanding issues related to unreported expenses in the electoral campaigns are of particular concern, including expenses for online political advertising, especially on social media. Interlocutors of the mission highlighted concerns regarding the effectiveness of the oversight mechanisms and sanctions, emphasizing that they remain largely inefficient in preventing violations.

The media sector remains challenged by various difficulties and flaws, despite amendments and a set of media regulations adopted recently. With public media biased towards the government and a number of mainstream private media partial towards some segments of the opposition, there is a clear polarization in Serbian media. In addition, media are prone to political and economic pressures due to a lack of ownership transparency and financing, with the quality of news decreased by tabloidization, propaganda and influenced reporting. ENEMO noted the lack of proactiveness and accountability of the Regulatory Authority for Electronic Media (REM), especially when it comes to monitoring of the election campaign.

The legal framework for complaints and appeals system has been significantly amended in February. A voter, candidate and submitter of an electoral list, political party, and parliamentary group has the right to file complaints about violations of the election law. Complaints related to Election Day violations and post-election process can be submitted within 72 hours. The legislation provides a three level complaint system that involves the LECs, the REC and administrative court. Generally, the legislation provides sufficient deadlines for legal remedy.

Background

On 3 April 2022, three elections will be held on the same day in the Republic of Serbia: presidential, early parliamentary, and local elections in 12 municipalities and two cities, including Belgrade¹. Early parliamentary elections were called on 15 February, following President Aleksandar Vucic's dissolution of the National Assembly (Parliament)². In accordance with provisions enshrined in the Constitution, regular presidential elections were called on 2 March, and officially announced by the President of Parliament.

Previous presidential elections were held in 2017, with a victory of then Prime Minister Vucic, nominated by the Serbian Progressive Party (SNS). Mr. Vucic has been heading the SNS since 2012, and the party has dominated the political landscape in a strongly polarized environment between the majority and opposition parties.

Previous parliamentary elections in 2020 were postponed from April to June that year³, in the context of the first months of the COVID-19 pandemic, with limited opportunities for campaigning. Additionally, they were subject to a boycott by the political opposition, which claimed unfair campaign conditions and a biased media environment. SNS obtained an absolute majority in the National Assembly, and the government took office in August 2020 with a renewed majority coalition between SNS and the Socialist Party of Serbia (SPS), along with three other parties⁴. Shortly after the 2020 parliamentary elections, President Vucic announced that early parliamentary elections would be held in 2022. On 29 October 2021, an agreement was reached among several political parties and the government to hold early parliamentary, presidential and municipal elections on the same day (3 April 2022).

Following the 2020 parliamentary elections, three different initiatives were taken with an aim to improve the electoral process. The first was an inter-party dialogue under international mediation by the European Parliament. The second was a national dialogue between governmental parties and opposition parties in Parliament. The third was a Working Group, led by the government in cooperation with the OSCE-ODIHR, which intensified in December 2020. The first initiative (inter-party dialogue) led to the adoption of 16 measures to improve the conduct of elections, despite several opposition parties deeming these measures insufficient.

Election preparations are unfolding in a polarized socio-political context. This includes in particular public protests in 2021 which culminated on 4 December and later in January 2022,

¹ ENEMO's 2022 IEOM to Serbia is officially observing the presidential and early parliamentary elections. However, the mission may report on aspects of the local elections' process, provided that these aspects have a relevant impact on the other two processes.

² The Parliament was dissolved on the basis of the legal provisions enshrined in Article 109 par. 1 of the Constitution, according to which the President of the Republic can dissolve the National Assembly upon a reasoned proposal of the Government. ENEMO notes that these provisions are unclear, as they do not specify the notion of "reasoned proposal", and therefore remain highly subject to interpretation.

³See ENEMO Final Report on the conduct of the 21 June 2020 parliamentary elections: <http://enemo.eu/uploads/file-manager/ENEMOFinalReport.pdf>

⁴ Party of United Pensioners of Serbia (PUPS), United Serbia (JS), and Social Democratic Party of Serbia (SDPS).

related to environmental issues⁵ and the adoption of two laws in particular⁶. Roadblocks and protests continued in the midst of the holding of a Constitutional referendum with an aim to reform the judiciary, held on 16 January.

Elections in Serbia are also being held in a highly tense international context, following the ongoing military aggression by the Russian Federation on Ukraine, initiated by President Vladimir Putin on 22 February 2022. Additionally, all three electoral processes are unfolding while discussions on potential NATO and EU membership accession remain ongoing in the country, as well as pending negotiations regarding the status of Kosovo.

A total of 18 electoral lists are running in the early parliamentary elections, while eight candidates are running in the presidential elections, of which three are women candidates.

Legal framework and electoral system

Legal framework

The elections of members of Parliament and presidential election in Serbia are primarily regulated by the 2006 Constitution⁷; the Law on the election of members of Parliament⁸ and the Law on the election of the President⁹ of the Republic. Other laws regulate certain segments of elections such as: the Law on the Unified Electoral Register¹⁰, the Law on Administrative Disputes¹¹, Law on Financing Political Activities and Law on political parties¹²; Law on Prevention of Corruption and the Law on local elections¹³.

Together with the above listed laws, important legal sources for regulating elections are decisions adopted by the REC that are available on the REC webpage. The REC has an obligation to ensure the lawful conduct of elections, to monitor the proper application of electoral laws, to establish the technical procedure for submission of electoral lists; to determine specific instructions concerning the measures ensuring the secrecy of the vote; to establish and to

⁵ Namely protests to halt lithium exploitation in Serbia, and against the government's backing of the Anglo-Australian multinational mining corporation Rio Tinto.

⁶ A Law on Law on Referendum and Public Initiatives and a Law on Expropriation.

⁷ The Official Gazette of the Republic of Serbia, No. 98/2006 and 115/2021 from 11 November 2006.

⁸ The Official Gazette of the Republic of Serbia, No. 14/2022 from 7 February 2022.

⁹ The Official Gazette of the Republic of Serbia, No. 14/2022 from 7 February 2022.

¹⁰ The Official Gazette of the Republic of Serbia, No. 104/2009 and 99/2011 from 16 December 2009.

¹¹ The Official Gazette of the Republic of Serbia, No. 111/2009 from 29 December 2009.

¹² The Official Gazette of the Republic of Serbia, No. 14/2022 from 7 February 2022; The Official Gazette of the Republic of Serbia, No. 36/2009 and 61/2015 from 15 May 2009.

¹³ The Official Gazette of the Republic of Serbia, No. 35/2019, 88/2019, 11/2021, 94/2021 and 14/2022 from 21 May 2019; The Official Gazette of the Republic of Serbia, No. 14/2022 from 7 February 2022.

announce the election results; etc. The REC operates according to the Rules of Procedures of the Republic Electoral Commission¹⁴.

Upcoming Early Parliamentary and Presidential elections will be conducted under a recently amended electoral legal framework. As a result of inter-party dialogues, on 18 January, 2022, the Government introduced proposals for four new election laws that were adopted by the National Assembly on 4 February, 2022. Together with the adoption of the new electoral laws¹⁵, the Law on Prevention on Corruption was amended.

While electoral amendments address several recommendations issued by international and domestic observer organizations, the limited period for implementation of several amendments introduced in the legislation only two months prior to Election Day is of particular concern, and at odds with international standards.¹⁶ Moreover, several important OSCE/ODIHR recommendations remain unaddressed including related to media coverage, campaign finance regulations and misuse of administrative resources.

One of the important changes of the legislation is the different composition and structure of election management bodies. Instead of the existing two-tier system (the REC and Polling Boards), elections are now administered by a three-tiered election administration comprising the REC, the newly introduced middle level local electoral commissions (LECs), and Polling Boards (PBs). LECs will be responsible for organizing technical preparations for elections, providing support to polling boards during elections, as well as revising PB's decisions. Amendments also provide an interim measure for upcoming parliamentary elections that representatives of non-parliamentary parties have the right to be permanent members of the election commissions.¹⁷

Part of the systemic reform was the rules governing disputes resolution process that established extended time limits for submitting complaints as well as for adjudication of election related disputes. Campaign financing rules were also significantly modified.

ENEMO notes that generally and if properly implemented, the existing legal framework provides sufficient grounds for the conduct of democratic elections.

¹⁴ The Official Gazette of the Republic of Serbia, No. 14/2022 from 7 February 2022.

¹⁵ Law on the Election of Members of Parliament; Law on the Election of the President of the Republic; Law on local elections; Law on Financing Political Activities have been adopted.

¹⁶ Paragraph II.2.b of the 2002 Venice Commission's Code of Good Practice in Electoral Matters 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.

¹⁷ Article 179 of the law on the Election of Members of Parliament.

Electoral System

Electoral system for Parliamentary Elections

The National Assembly is the highest legislative body that consists of 250 deputies, who are elected through direct elections by secret ballot for four-year terms. Serbia represents a single nationwide constituency in which all 250 deputies are elected.¹⁸

Members of the National Assembly are elected based on Party-list proportional representation system (List PR) with closed lists, where voters cast a single vote for their preferred party rather than voting for a candidate from that party.¹⁹

The distribution of seats to candidate lists is calculated using the D'Hondt method. Candidate lists, which have received at least 3% of votes cast, have the right to participate in the process of distribution of seats. The legal threshold is different for lists of national minorities. National minority parties and coalitions of such parties can participate in the distribution of mandates even if they have received less than 3% of the total number of votes cast. When the highest quotients system is applied to the distribution of the mandates, the quotients of all electoral lists of national minority political parties or coalitions of national minority political parties should increase by 35%.²⁰

Electoral system for Presidential Elections

The president of Serbia is directly elected, by secret ballot, for a five-year term. A candidate is considered to be elected if he/she received over one half of votes cast. If no candidate receives more than 50 percent of the votes cast in the first round, a second round is held within 15 days between the two candidates who received the highest number of votes in the first round²¹.

Election Administration

The election administration structure in Serbia is three-tiered, consisting of the Republic Election Commission (REC), Local Election Commissions (LECs), and Polling Boards (PBs). However, before the amendments in the electoral legislation²² LECs operated only for local municipal elections, and the REC mainly used to establish a mid-level (intermediate) administration for

¹⁸ Article 100 of the Constitution of the Republic of Serbia.

¹⁹ Articles 5; 128 and 129 of the law on the Election of Members of Parliament.

²⁰ Article 140 of the law on the Election of Members of Parliament.

²¹ Article 18 of the law on the Election of the President of the Republic.

²² Law on the election of Members of Parliament, Law on the election of the President of the Republic, Law on Local Elections were amended and adopted by the National Assembly in February 2022.

other general elections known as Working bodies (WBs) to provide a logistical and technical link between the REC and PSs.

Republic Election Commission

The REC is a permanent election administration body. Its composition consists of a chairperson, 16 members, a participant responsible for statistical tasks and a secretary. The composition of REC is proportional to the number of seats held by the parliamentary parties. The chairperson and members of the REC are appointed by the National Assembly, for four years, at the proposal of the parliamentary groups in the National Assembly. The Secretary, a participant responsible for statistical tasks and their deputies are non-voting members of the REC.²³

However, due to the amendments introduced for these elections, the permanent composition of the REC has increased. In addition to the chairperson, 16 members and their deputies appointed by the parliamentary groups, there are an additional six members and deputy members assigned at the REC, based on the proposal of the President of the National Assembly.²⁴

During elections, the REC works within the extended composition. Each registered contestant is entitled to appoint a member and a deputy. The REC started its functions in its complete extended composition from 20 March. According to the law²⁵, the REC works and decides in an extended composition until the commission determines and announces the election results. The extended composition of the REC for the parliamentary elections comprises 41 voting members including 14 women. Out of 41 deputies, 16 are women. For the presidential elections, the REC comprises 31 voting members that includes 14 women, and for 31 deputies - 12 women²⁶.

The REC is overall responsible for administering elections, including taking care of the legal conduct of elections, registration and proclamation of candidate/party lists, establishing and appointing members of lower-level commissions, conducting training for election administrators, discussing and adjudication complaints, determining election results, etc.

The REC does not have its service or employees. Thus, during elections, the National Assembly Service provides professional and technical assistance in performing tasks within its competence.

The REC established six working groups to address specific issues for ensuring an inclusive electoral environment for voters with disabilities, election-related financial operations, drafting normative acts and legal proposals, voters' education and information campaigns, printing electoral materials and related to statistical issues. The working groups consist of the REC members, but representatives of state bodies and organizations may provide professional assistance upon request.

²³ All members, including non-voting ones, have deputies who have the same rights and responsibilities as the members they replace.

²⁴ Article 179, first paragraph of the Law on the Election of Members of Parliament.

²⁵ Article 22, fifth paragraph of the Law on the Election of Members of Parliament.

²⁶ Non-voting members: the Secretary and a participant responsible for statistical tasks and their deputies are men.

On 23 February, the REC adopted the calendar for organizing and conducting the early parliamentary Elections and on 3 March²⁷ – for the presidential elections. So far, the REC has generally managed to comply with the deadlines provided in the calendar.

The REC operates in an overall efficient and transparent manner. From the start of the electoral period for the parliamentary and presidential elections²⁸, the REC conducted 37 sessions, mostly related to proclaiming electoral lists, registering electoral contestants, accreditation of local and international observer missions, and other relevant issues. All decisions were adopted in a collegial manner; decisions were taken by the majority of all members. During the sessions, a quorum, that is, more than half of the members of the commissions, was ensured.

All the sessions were broadcasted live on the REC's official web page²⁹ and YouTube channel; the sessions were held transparently and open for accredited stakeholders. The invitations to sessions, agendas, and materials were always sent to the ENEMO IEOM representatives, at least a few hours before the sessions. Compared to previous 2020 elections, all REC members were provided with all materials for the sessions. Decisions of the sessions were mainly uploaded on the official web page on time. The webpage is bilingual (Serbian and English). While the information is primarily updated regularly in the state language, ENEMO notes that the English version of the webpage does not contain all information.

The REC has adopted several instructions and guides for LECs and PBs members. In addition, the voter informational and educational materials, including the videos accompanied by sign language were prepared. All materials were informative describing all the procedures. Most of the instructions and guidelines were translated into minority languages. The REC has already started to conduct a series of training programs for election management bodies, both online and in person.

Local Election Commissions

In accordance with the changes made in the legislation, 161 Local Election Commissions (LECs) were established. They work as a permanent body. However, as for the REC during elections, they also work in an extended composition.

The creation of the mid-level administration responsible for organizing technical preparations and supporting polling boards during elections can be evaluated positively, especially since the law clarifies their role and responsibilities. However, interlocutores expressed concerns regarding the short timeframes, as the legislation was adopted just several days before the official calling of elections. Substantially overhauling the election administration structure one month and a half before an election creates considerable risk in the process, affects the stability of the electoral law, and is at odds with the VC Code of Good Practice in Electoral Matters.³⁰

²⁷ <https://www.rik.parlament.gov.rs/dokumenta/sr/41985>

²⁸ The decisions to call the elections were published in the Official Gazette of Serbia, No. 22/2022 (parliamentary) and 29/2022 (presidential).

²⁹ <https://www.rik.parlament.gov.rs>

³⁰ II. 2. b. *“The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an*

Permanent LECs are municipal election commissions, city election commissions, and city municipalities of the City of Belgrade. A permanent LEC formed by the REC has a chairman, six members, and their deputies, who are appointed to the proposal of parliamentary groups in proportion to their representation in the National Assembly. However, the size of an LEC also depends on the size of the municipality and the number of registered voters within it³¹. In addition, due to the amendments introduced, LECs have another member and a deputy member appointed to the permanent composition.

The primary competence of LECs includes organizing technical preparations for elections, designating polling stations, taking over election materials from the REC and delivering them to polling boards, and taking over election materials from polling boards upon completion of the voting. Among other tasks due to the amendments, LECs are assigned to decide on requests for annulment of the vote at the polling station because of irregularities during the voting process.

Members and deputy members of the extended composition LECs are appointed from individuals proposed by a proclaimed electoral list. ENEMO notes that despite this being given to all registered contestants to appoint LEC members, not all were capable to exercise this right. In addition, when proposing a candidate for a member, deputy member, secretary, and deputy secretary of the LECs, the authorized proposer should give preference to a trained person. So far, in most LECs observed, a sufficient number of appointed permanent members either are experienced or trained accordingly.

Based on ENEMO's observations, most observed LECs were cooperative, and sessions were open for accredited stakeholders. The observed LECs worked transparently and professionally. However, despite the training provided by the REC to equip LEC secretaries with relevant skills for publishing decisions, not all LECs fulfilled this obligation on time. Concerns should be raised that this could hinder the proactive performance of the middle-level election administration.

Polling Boards

In total, 8,115 PBs were created for all three elections. In addition, 29 PBs were formed in prison, and 77 PBs are already created in 34 foreign countries for voting from abroad.

The standing composition of a PB consists of a chairperson, two members, a deputy chairperson, and two deputy members appointed by the LEC upon proposal of parliamentary groups plus one more member and one more deputy member, who the REC should appoint at the proposal of the President of the National Assembly.³²

During elections, PBs work in extended composition. Members and deputy members of the PB must be appointed at the latest ten days before Election Day. A proposal for the appointment of a

election, or should be written in the constitution or at a level higher than ordinary law" of the Venice Commission's Code of Good Practice in Electoral Matters.

³¹ Article 18 of the Law on Local Elections

³² Article 179, third paragraph of the Law on the Election of Members of Parliament

member and deputy member of PBs may be submitted no later than 15 days before the day of voting.

Duties of the PB include conducting voting at the polling station, ensuring the regularity and the secrecy of the vote, and establishing voting results and other relevant tasks.

Registration of voters

The Ministry of Public Administration and Local Self-Government (MPALSG) is responsible for maintaining³³ and forming voters' rolls. In Serbia, voter registration is passive. An electronic database, so-called Unified Voter Register (UVR), includes all eligible voters³⁴. The UVR is used to establish the Single Electoral Roll³⁵.

Voters have the right to apply for changes to the Register of Voters to their residence's municipal or city administration no later than 20 March (15 days before the election day). Also, changes could be made by the MPALSG if the application is made from the date of conclusion of the Electoral Roll until 72 hours before the Election Day. Voters who are members of a national minority may apply to enter their name and surname in the voters' list in the language and alphabet of their national minority, in addition to the Serbian language and Cyrillic alphabet.

Voters living abroad have the opportunity to participate in upcoming parliamentary and presidential elections³⁶. Also, internally displaced persons (IDPs) can vote according to the place where they are registered as an internally displaced person.³⁷ Special voter lists for military voters, detainees, and prisoners are compiled.

Voter registration data is published quarterly. However, the MPALSG did not provide an aggregate data of the total number of voters. Upon the closure of the voter register, the MPALSG will publish the voter list on its website with the names and surnames of all voters per specific polling station. A two-step verification process requires entering the ID card's ID number and registration number. However, several interlocutors of ENEMO raised concerns about the accuracy of the voters' lists regarding the number of deceased voters and voters living abroad.

A voter is given the right to request information from the LECs as to whether the excerpt from the voter list states that they voted in the election or not. Thus, theoretically, any voter having

³³ Article 2 of the Law on the Unified Electoral Roll. “Maintenance of the electoral roll by the ministry competent for public administration shall include: analysis of the data contained in the electoral roll and taking of measures to ensure their mutual harmonization and accuracy, entry of changes in the electoral roll (entry, deletion, addition, modification or corrections) after the electoral roll closure, and performance of other tasks pursuant to this Law.”

³⁴ <https://upit.birackispisak.gov.rs/>

³⁵ The MPALSG adopted a Guidebook for those working with the voter register and conducted a series of training for them.

³⁶ Article 16 of the Law on the Unified Electoral Roll

³⁷ Article 5 of the Law on the Unified Electoral Roll.

suspected that someone voted instead of them can check this information immediately after voting.

The total number of voters registered is 6 601 598³⁸. Out of this number of voters registered abroad is 38 876. The figures were announced by the REC on March 20 as it was defined by the law³⁹.

The right to vote is granted to all citizens who have reached 18 years of age by Election Day, except those deprived of legal capacity by a court decision. Current legislation revoked the residency requirement which was one of the main preconditions for participating in elections. ENEMO notes that the omission of residency requirements could lead to granting citizenship that leaves space for further facilitation of artificial migration of voters in the upcoming elections⁴⁰.

Candidate registration

Any citizen eligible to vote has the right to stand for presidential and parliamentary elections. The preconditions for obtaining passive or active suffrage rights are being an adult citizen of the Republic of Serbia who are not subject to extended parental guardianship or incapacitated by a court decision⁴¹. A candidate⁴² or candidate list⁴³ may be proposed by a political party from the Register of Political Parties, a coalition of political parties, and a citizens' group. The electoral list may not be submitted by a coalition formed by a political party and a group of citizens⁴⁴.

The candidate's proposal/party lists are submitted directly to the REC in written and electronic form⁴⁵ no later than 20 days before Election Day. While submitting documentation to REC, with other documentation, it is also required to submit at least 10 000 written statements of voters to support candidates' proposals. Due to the 2022 amendments, for the electoral lists of national minorities, the number of signatures required for the proclamation of the electoral lists has been halved – to 5 000⁴⁶. This gives more opportunity to small minority parties to participate in elections, and be involved in the country's politics.

A voter may support only one electoral list with their signature . Concerns should be raised that this limits the possibility for voters to express their support towards a multiparty democratic

³⁸ <https://www.rik.parlament.gov.rs/vest/sr/113763/39-sednica-republicke-izborne-komisije.php>

³⁹ <https://crt.rs/glasanje-u-inostranstvu-broj-prijavljenih-biraca-sada-i-nekada/>

⁴⁰ According to ENEMO interlocutors, the trend of attracting voters from Republika Srpska was one of the main concerns.

⁴¹ Article 3 of the Law on the Election of Members of Parliament.

⁴² For Presidential Elections.

⁴³ For Parliamentary Elections.

⁴⁴ Article 62 of the Law on the Election of Members of Parliament.

⁴⁵ <https://www.rik.parlament.gov.rs/tekst/sr/43242/.php>, The form for submitting the party list is NPRS-1/22. The form IPR-1/22 for the presidential candidate.

⁴⁶ Article 139 of the Law on the Election of Members of Parliament.

system. In addition, the possibility of supporting only one electoral list leaves space for violating the secrecy of the vote, as it potentially reveals a voters political preference.

Statements of voters supporting an electoral list should be certified by a public notary or municipal/city administration. In municipalities or cities where public notaries have not been appointed, statements of voters supporting an electoral list may be certified by the basic court, court unit, or intake office of the basic court⁴⁷. Despite the number of notaries having increased, according to some ENEMO interlocutors, intense demand on notaries and lack of capacity raised concerns while delaying the certification process.

The amount of fee for the certification of signatures of voters supporting the electoral list is determined by the Ministry in charge of justice. Some ENEMO interlocutors expressed their concerns about the fee amount, as the costs could affect the party's/candidate's participation in elections.

The verification process of documentation submitted to the REC is prescribed in the law⁴⁸. The deadline for applying documentation set for the registration candidate list for the parliamentary elections and registration candidate for the presidential elections expired on 13 March (20 days prior to the Election Day).

The REC registered 18 candidate lists⁴⁹ within the legal deadline, including nine parties, seven coalitions, and two groups of citizens for the parliamentary elections. Seven of them belonged to minority parties. Additional time to amend legal deficiencies was given to 7 submitters of parliamentary lists, within 48 hours. Due to non-compliance with the REC's conclusion, four lists were denied proclamation. In terms of the presidential elections, there are a total of 8 candidates registered. Only two submitters of presidential candidates had to rectify deficiencies.

Electoral Campaign and Campaign Finance

Electoral Campaign

The new Law on the Election of Members of Parliament and the Law on Financing of Political Activities did not substantially modify the framework for electoral campaigning⁵⁰. They did, however, bring forth an extended “electoral silence” period, with a ban on the public presentation of electoral lists and candidates, campaigning events, and calls to vote or not to vote for electoral

⁴⁷Article 72, first second paragraphs of the Law on the Election of Members of Parliament.

⁴⁸ Law on the election of members of Parliament, Article 75.

⁴⁹ The total number of MP candidates is 2 880

⁵⁰ "Election campaign" is defined in the legislation as a set of activities of political entities which starts from the day of announcing the elections until the end of the announcement of the final election results, for the purpose of public presentation of electoral contestants and their election programs and inviting voters to vote for them or not vote for other contestants.

contestants 48 hours before Election Day. This ban also applies to all media outlets, including electronic editions (online media).

If implemented in good faith, the electoral legal framework generally provides for equitable campaigning conditions for contestants. The official period of the campaign started with the day of calling the elections (15 February for early parliamentary elections, 02 March for presidential elections). However, electoral contestants could start campaigning only after their candidate list was registered, leaving space for uneven campaigning timeframes.

According to ENEMO observer reports, electoral campaigns on the ground for presidential and early parliamentary elections are often intertwined, unfolding as a single campaign. ENEMO notes that the timeframes offered for campaigning in these elections is particularly short, especially for presidential elections. This risks limiting sufficient time for presidential candidates to effectively present their programs and hold debates, and may affect the possibility for voters to make an informed choice.

Given the decrease in the number of daily coronavirus cases, on 12 March, COVID-19 regulations/restrictions were entirely lifted by the Institute of Public Health, which also applies to campaign events, including indoors. According to ENEMO observers, political parties and candidates were using “traditional” methods of campaigning such as small scale rallies, door-to-door canvassing, whistlestop tours, handouts, “information tents”, advertising billboards and posters⁵¹, as well as online campaigning on social media⁵².

On 17 February, representatives of eight opposition parties signed an Agreement pledging not to attack each other during the electoral campaign. The campaign has been generally peaceful so far, despite rallies observed which at times contained negative campaigning and harsh rhetoric, intended to denigrate other political parties and candidates. The most visible campaigns pertain to the ones led by SNS and SPS, which benefit from considerable party infrastructures at the national and local level.

The main campaign themes for both early parliamentary and presidential elections pertain to the environment, economic investment, unemployment, healthcare, foreign policy, the status of Kosovo, and the war in Ukraine. In that regard, the visibility of the campaigns has been partially affected, though with some variance depending on regions⁵³, due to the short period for campaigning and the war in Ukraine highly concentrating media attention and interest.

The main concerns expressed by interlocutors, especially by opposition parties, included a lack of balanced media coverage of electoral campaigns, and the involvement of public officials in the campaign. Concerns related to allegations of pressure on public employees, such as employees

⁵¹ In some cases however, billboards were inaccessible to electoral contestants, billboard space having reportedly been purchased several months prior to elections (Kragujevac).

⁵² Especially Facebook, Instagram, Twitter, and Tiktok.

⁵³ For instance, so far political parties were reported more active in rallies and meetings in Novi Pazar, Sandžak, Niš, Kragujevac and Bor, while they were reported less active in Vojvodina.

from state institutions, were also mentioned to the mission along with misuse of state resources, abuse of incumbency, and “state capture” by the ruling majority.

ENEMO observer reports indicate allegations of voter intimidation, including the case of factory workers pressured to support the ruling party as a condition for renewing their contracts after the elections⁵⁴. The mission was also informed of local authorities misusing administrative resources to promote candidates currently in power⁵⁵, despite the prohibition of public officials using public resources and official events for political purposes⁵⁶. Additionally, cases of company services allegedly transformed into call centers for the needs of the ruling party’s campaign were reported to the mission⁵⁷. Concerns should be raised regarding the intrusive nature of some of these methods, as well as the use of private data for the benefit of the governing party⁵⁸.

These allegations are added to pressure on employees from public institutions to submit lists of voters with a political preference favorable to the ruling party⁵⁹, and cases of distribution of goods as a means of financial incentives⁶⁰.

ENEMO calls upon the competent state authorities to investigate the above cases, and further prosecute them where necessary.

Campaign Finance

The main legal provisions pertaining to campaign finance are enshrined in the revised Law on Financing of Political Activities⁶¹. ENEMO notes that several substantial amendments were made to the legal framework for campaign finance through this new law, including the introduction of preliminary financial reporting (interim reports) prior to Election Day, lowering individual and legal persons’ donation limits, the system of sanctions, and financial auditing provisions.

Positively, some amendments have contributed to addressing previous recommendations formulated by international and domestic observers. Political entities are now obliged to submit interim reports on their campaign expenses to the ACA, in line with previous ENEMO

⁵⁴ Reported from Obrenovac, along with similar cases in Novi Sad.

⁵⁵ Reported from Kragujevac, Novi Sad.

⁵⁶ Some of these cases were subject to a warning by the ACA.

⁵⁷ Allegedly, these call centers are used during working hours to submit questions to citizens by phone, related to voter preferences and tracking of voter support.

⁵⁸ Undue pressure on voters is at odds with paragraph 7.7 of the Copenhagen Document. See paragraph 7.7., where participating States should “*ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution.*”

⁵⁹ Reported from Belgrade.

⁶⁰ In the form of distribution of aid packages intended for pensioners, beneficiaries of financial social assistance, as well as unemployed persons in urban and rural local communities. Some of these handouts started months before the start of the electoral process, including state subsidies to pensioners and cash handouts to young citizens.

⁶¹ A number of important provisions from the amended Law on Prevention of Corruption are also relevant to the general framework for political finance.

recommendations⁶². This interim financial reporting obligation can contribute to increasing campaign finance transparency, provided that donations and expenditures are properly reported and reports are adequately scrutinized.

The ACA is the main oversight body for political finance and issues related to misuse of administrative resources. The array of sanctions at its disposal was expanded, and the legislation now provides for more gradual sanctions ranging from warnings, to fines for violations and misdemeanors⁶³, to imprisonment for criminal acts⁶⁴. Other sanctions which the ACA can administer include the loss of the right to receive funds from public sources, and/or confiscation of funds⁶⁵. The mission was informed that the ACA disposes of 130 monitors trained and deployed, supervised by 10 coordinators⁶⁶.

Political entities which submitted electoral lists, as well as candidates running in presidential elections, are entitled to public funding for their campaigns⁶⁷. When it comes to private sources for financing costs of their election campaigns, political entities are allowed to collect funds from private sources, from natural and legal persons, and can use their own funds within the ceiling determined by the law⁶⁸. To finance the costs of the election campaign, a political entity can also use funds from loans, but only from banks and financial institutions⁶⁹.

In accordance with the new law, individuals cannot donate more than 10 average monthly salaries, and legal persons cannot donate more than 30 average monthly salaries (per year, regardless of the number of electoral campaigns and number of elections). This represents a decrease in comparison to the provisions of the previous law⁷⁰. Donations which amount to more than one monthly earning have to be made public on the political entity's website.

⁶² This report should be sent to the ACA no later than seven days before Election Day, and should cover the period from the day of calling the elections up to 15 days before the day of voting. Reports are required to evidence the dates, origin, and amounts of funds collected and spent, both from public and private sources. Interim reports are required to be published on the ACA's website, within three days of receipt. The ACA is responsible for analyzing these reports.

⁶³ Ranging from 20,000 to 1,000,000 RSD.

⁶⁴ Ranging from three months to six years.

⁶⁵ See Complaints and Appeals section.

⁶⁶ Trained observers are responsible for identifying and tracking electoral campaign events and materials on the ground on a daily basis, while coordinators are responsible for collecting all field reports and compiling them.

⁶⁷ Funds from public sources are provided to cover the costs of election campaigns, in the amount of 0.07 % of tax revenues from the state budget. In parliamentary elections, they should be distributed as follows: 65 % allocated to electoral lists which have won mandates in previous elections (in proportion to the number of those who have won mandates); 35 % distributed equally to other electoral lists. In presidential elections, funds in the amount of 35 % are distributed in equal amounts to candidates who declared their interest in receiving funds from public sources. 65 % should be distributed to candidates participating in the second round, in proportion to the number of votes won.

⁶⁸ The Law on Financing of Political Activities provides a list of subjects which are banned from donating, including but not limited to: donations from foreign countries; anonymous donors; public institutions, public enterprises, companies and entrepreneurs performing services of general interest; institutions and companies with state participation capital; unions, associations and others, such as non-profit organizations, including foundations; churches and religious communities; gambling organizers; legal entities and entrepreneurs who have an outstanding debt based on public revenues; and persons performing activities on the basis of contracts with state bodies, autonomous provinces and local self-government units, as well as public services of which they are the founders, for two years after the termination of the contractual relationship.

⁶⁹ Loans cannot amount to more than 25 % of the amount of funds provided from public sources.

⁷⁰ From 20 average monthly salaries to 10 for individuals, and from 200 average monthly salaries to 30 for legal entities.

Political entities were required to open a special account for their campaigns, which cannot be used for other purposes. All election campaign donations and expenses should be paid from this account. ENEMO notes that while the ceiling for donations is capped, there is no maximum spending limit on electoral campaigns.

The law specifies that 10 days before Election Day, media are forbidden to report on official public gatherings and events at which infrastructure⁷¹ are being opened, including construction works and related gatherings, when these gatherings are attended by public officials⁷². While this can be assessed as a positive amendment, it relates more to media coverage of these facts, rather than the prevention of the facts themselves when it comes to the misuse of state resources and abuse of incumbency.

Although amendments have brought the legal framework for campaign finance more in line with GRECO recommendations, ENEMO notes its implementation remains to be fully assessed. In particular, this includes issues related to unreported expenses (“shadow funding”) in the electoral campaigns, including online political advertising, especially on social media. Interlocutors of the mission highlighted concerns regarding the effectiveness of the oversight mechanisms and sanctions, emphasizing that they remain largely inefficient in preventing violations.

Media⁷³

Media Environment

The Serbian media sector remains challenged by various difficulties and flaws, despite amendments and a set of media regulations adopted recently. Serbia has a wide range of private and public broadcasters as well as printed and online media including 243 television channels, 335 radio stations and 941 print media. In addition, there are 850 internet portals and 89 editorially designed websites.⁷⁴ Television remains noticeably the most influential media channel and preferred choice for news, both at the central and local level, followed by social networks, in particular Facebook, and online media such as news web portals and online news magazines.

With public media biased towards the government and a number of mainstream private media partial towards some segments of the opposition, there is a clear polarization in Serbian media. In addition, media are prone to political and economic pressures due to a lack of ownership

⁷¹ And/or facilities such as factories, roads, schools, bridges, hospitals etc.

⁷² Including candidates for President of the Republic, MPs and councilors of cities or municipalities.

⁷³ The mission did not conduct media monitoring activities. Findings and conclusions in this section are drawn from meetings with interlocutors that work in the media field in Serbia and monitoring of the activity of the body in charge of monitoring media conduct (Regulatory Authority for Electronic Media).

⁷⁴ <https://nuns.rs/u-srbiji-140-medija-vise-nego-prosle-godine/>

transparency and financing, with the quality of news decreased by tabloidization, propaganda and influenced reporting.

During the reported period ENEMO has not received information regarding the threats and attacks on journalists. Even though media interlocutors stated that journalists do not face direct threats and do not experience censorship, they work under significant pressure. There are several challenges that most independent media representatives face in their everyday work. According to many ENEMO media interlocutors, those challenges are mostly related to communication with state officials and the lack of publicly available information. They stated that they face significant difficulties in obtaining answers from government officials. Their media outlets are being discriminated against by government officials and state institutions, as they are not willing to interact with independent outlets. Additionally, even more precarious is the situation where government officials perceive some journalists as political opponents and enemies.

The broader polarization in Serbian society is also reflected within the media polarization, where state officials and opposition representatives rarely take part in TV shows together. One part of the media scene is reserved for state officials, while the other part is reserved for the opposition. However, independent media representatives informed the mission that they are regularly inviting ruling party officials to their shows despite their continuous refusal. Thus, since they are not able to present both sides, independent media outlets appear as opposition outlets. Several ENEMO media interlocutors stated that state officials are banned from talking to any media which is critical of the government.

Media Legal Framework

The Law on the Election of the Members of the Parliament (LEMP) contains fundamental principles, such as an obligation for the media to ensure equal coverage of all contestants without discrimination and the right of citizens to be informed about contestants' activities and electoral programmes. The Law on Electronic Media (LEM) obliges media to provide free, truthful, objective, complete and timely information. In addition, electoral contestants are entitled to purchase paid political advertisements for the official campaign period.⁷⁵ The mission was informed that many media outlets have published their price lists and some decided not to sell political advertisements. Being the leading sponsor and advertiser, the state exercises substantial influence over reporting.

Moreover, for the upcoming elections, The Council of the Regulatory Authority for Electronic Media, at its session held on 11 February 2022, adopted the Rulebook on obligations of media service providers during election campaigns. According to this Rulebook, during the election campaign, it is forbidden to show documentary, entertainment or other similar program content in which a state official appears or a representative of the electoral list or a candidate. The mission was informed that due to the war in Ukraine, the public broadcaster RTS will have to cover official statements by government officials even though they are in campaign. This grants an advantage to ruling party officials who are at the same time state officials. Furthermore, the

⁷⁵ The LEM obliges all media service providers to announce tariffs for political advertising before the start of the election campaign, and to ensure that registered political parties, coalitions and candidates are represented without discrimination during the election campaign.

Rulebook obliges the public media service to ensure equal reporting in the program when informing about the election activities of the electoral lists and candidates. Additionally, media services are obliged to act in accordance with the principles of impartial, fair and balanced representation of political entities during elections in the regular news program, as well as in special programs dedicated to the election campaign.

The Regulatory Authority for Electronic Media (REM) is monitoring the broadcast media during the electoral period. On February 15, 2022, the REM began monitoring twelve media service providers.⁷⁶ During the reported period, the REM published three monitoring reports for the 15 February - 6 March 2022 period. The qualitative part of the monitoring is questionable due to methodology problems where the tonality of news is assessed. The published reports do not provide the information that is seen on television. It is noticeable that REM also added cable channels in its monitoring, which is perceived by some media interlocutors as a manipulation aimed at showing that all cable channels are against the government.

The programs chosen by Radio Television of Serbia for the participation of the opposition leave opposition representatives out of the most popular, most watched terms (such as the most watched news in the country, Dnevnik 2), which were reserved exclusively for government officials.⁷⁷

For the upcoming election, a Temporary Supervisory Body was created as a result of a consensus of the authorities, the opposition and representatives of the European Parliament. The aim of this body is to rectify the situation as much as possible in current circumstances. Accordingly, all media outlets received guidelines on how to improve their reporting and offer a balance between representing the government and the opposition. Additionally, an appeal was sent to politicians to respond to calls from journalists and to appear on both, pro-regime and independent media. Together with the existing Regulatory Authority for Electronic Media (REM), a document has been drafted with guidelines and regulations that must be followed. Provisions have been introduced emphasizing that there is no privileged position of the government or negative content during the campaign.

ENEMO also observed shortcomings regarding the capacity to impose and use deterring sanctions. While the REM cannot impose financial sanctions, it also does not exploit sanctions it has, such as a temporary ban on programmes. Many stakeholders from the media sector emphasized the lack of proactiveness and accountability of the REM, especially when it comes to monitoring of the election campaign. They do not perceive REM as an authority, which undermines its public credibility.

⁷⁶ Four public service channels: RTS 1, RTS 2, RTV 1 and RTV 2; four commercial media service providers: RTV Pink, Happy TV, TV B92 and TV Prva and four cable media service providers: N1, Nova S, Al Jazeera and Insider TV.

⁷⁷ According to CRTA's Observation Mission Report, the attempt to influence the uneven media coverage by introducing the Temporary Oversight Body did not eliminate serious shortcomings in the work of the Regulatory Authority for Electronic Media. <https://cрта.rs/wp-content/uploads/2022/02/Elections-2022-Campaign-Before-the-Campaign-report.pdf>

Online and Social Media

Social media represents an essential part of information dissemination during the campaign. As a strong alternative to traditional media in the campaign and election coverage, social media is progressively used by parties as one of the main campaign platforms. Some media interlocutors raised concerns about the unchecked inflammatory rhetoric that appeared on social media, in particular on Facebook.

Facebook was the leading social media website in Serbia in 2021, with a 91.8 percent market share compared to other social media sites. Twitter ranked second with a nearly 2.9 percent share of social media site visits.⁷⁸ The Mission used the Crowdtangle platform to monitor the levels of activity of political parties on social network Facebook (post count) for the period 1 March - 21 March, 2022.

During the reported period, ENEMO monitored 22 pages of political parties which used Facebook to spread political content. Within this period, the total number of content published by political parties was: 2137 out of which individually: Socialist party of Serbia – 151; Movement for renewal of Kingdom of Serbia – 132; Alliance of Vojvodina’s Hungarians – 148; Freedom and justice party – 113; People’s party – 121; Coalition We Must – 213; Serbian progressive party – 126; Democratic party of Serbia – 42; It’s enough – Sovereignists – 75; Serbian radical party – 92; Zavetnici – Milica Djurdjevic – 65; Democratic party – 87; SDP Serbia – 119; Social democratic party – 58; Serbian movement Dveri – 120; Free citizens’ movement – 47; Justice and reconciliation party – 118; Liberal democratic party – 0; Do not draw Belgrade – 172; Democratic action party of Sandzak – 108; United peasant party – 7; United Serbia – 23.

A total of 945.7 thousand Facebook interactions were made on the mentioned posts, out of which as much as 162.4 thousand were only on the posts of the Serbian Progressive Party – SNS, 154 thousand on posts of the Zavetnici – Milica Djurdjevic posts, 138.5 thousand on posts of the Freedom and Justice Party and 93.1 thousand on posts of the Serbian movement Dveri.

Parties communicated mostly through Facebook videos (42.62 percent) which had 13.09 million views in total and photos (33.61 percent).

Gender Representation

The existing legal framework requires that electoral lists be composed of at least 40% of members of the underrepresented gender. Among every five candidates in the list according to their order (the first 25 five places, the next five places, and so on until the end), there should be

⁷⁸ <https://www.statista.com/statistics/1165977/market-share-of-the-most-popular-social-media-websites-in-serbia/>

three members of one and two members of the other gender. Moreover, the law prescribes that once the electoral list has been proclaimed, the submitter of the electoral list may not change the order of candidates in the electoral list.

Despite the mandatory gender quota, the law does not provide a so-called *zipper system* that guarantees the upholding of the gender quota. In cases where an elected candidate stands down, he or she is replaced by a candidate of the same gender.

Despite the fact that three out of eight presidential candidates are women, women remain statistically underrepresented in the political sphere.

National Minorities

The Constitution of Serbia guarantees special individual or collective rights to persons belonging to national minorities. The legislation allows national minorities to decide on certain matters related to their culture, education, information and language. The law on protection of the rights and freedoms of national minorities, in line with the Charter of Human and Minority Rights and Civil Liberties, defines several aspects of national minority issues.

Communities of 23 minority groups have constituted their National Councils, including Bunjevci, Bulgarians, Bosniaks, Hungarians, Roma, Romanians, Ruthenians, Slovaks, Ukrainians, Croats, Albanians, Ashkali, Vlachs, Greeks, Egyptians, Germans, Slovenes, Czechs, Macedonians, Jews, Montenegrins, Russians and Poles.

Guarantees for exercising political rights prescribed by the electoral legislation are further reflected in the instruction on uniform standards for election materials adopted by the REC on 12 February, 2022. It contains detailed instruction on use of languages and scripts in ethnic minority languages for respective municipalities.

Out of the 18 candidate list registered for early parliamentary elections, seven represent national minorities including Bosniaks, Hungarians, Romas, Albanians and Croatians.

Four candidate lists claiming to be treated as national minority party lists were denied registration as, according to REC's decision, they did not meet legal requirements.⁷⁹

⁷⁹ According to the REC, the number of candidates included in electoral lists did not belong to national minorities according to the national minority electoral roll. In two cases submitters of national minority electoral lists did not provide the required number of signatures of supporters. REC's respective decisions: 013-717/22; 013-720/22; 013-713/22;

Inclusion of Persons with Disabilities

The Serbian legislation guarantees the right to vote for persons with disabilities (PWDs). Voters with disabilities have the right to be provided with support to ensure their unimpeded participation in the election process. The Law on Prevention of Discrimination of Persons with Disabilities establishes the principle of equality, right and opportunity to vote and to be elected.

During the last nationwide election and referendum, the REC took steps to facilitate the participation of PWDs by publishing guidelines⁸⁰ and PSAs, available on the REC's webpage and respective social media platform.

The REC has established a special working group in cooperation with representatives of respective organizations to ensure polling station facilities are accessible for persons with physical disabilities. Following this decision, every two years, local administrations and administrations of Belgrade municipalities must collect data to propose measures for improving these conditions. Respective reports are available on the REC webpage, however aggregated data of accessible polling stations are not yet available.⁸¹ According to CRTA's data, Fifty six (56) percent of polling stations were not accessible to people with disabilities for 2020 Serbia's June elections.⁸²

For the upcoming elections, the REC adopted a Manual for the Work of Polling Boards which includes detailed instruction for poll workers in terms of communication and support to voters with disabilities during the voting process.

Therefore, additional efforts must be made to ensure adequate voting rights for PWDs, to meet Serbia's commitment under international standards, in particular the Convention on the Rights of Persons with Disabilities (CRPD) ratified by Serbia in 2009.

The law on the elections of the Members of Parliament recommends that authorized nominators of electoral management bodies must ensure gender balance as well as inclusion of persons with disabilities in the conduct of the election process.⁸³ However, no further details are provided about how and to what extent authorized nominators must meet these requirements.

⁸⁰REC's guideline is available at:

[https://www.rik.parlament.gov.rs/vest/sr/6665/vodic-za-glasanje-biraca-koji-su-osobe-sa-invaliditetom-na-izborima-21-juna-2020-godine-php](https://www.rik.parlament.gov.rs/vest/sr/6665/vodic-za-glasanje-biraca-koji-su-osobe-sa-invaliditetom-na-izborima-21-juna-2020-godine-<u>php</u>)

⁸¹ <https://www.rik.parlament.gov.rs/tekst/3194/pristupacnost-birackih-mesta.php>

⁸² CRTA: "Elections 2020: Preliminary report on the Election Day, June 21st 2020" page #15
<https://crt.rs/en/elections-2020-preliminary-report-on-the-election-day-june-21st-2020/>

⁸³ Article 11 para 1 of the Law on the Elections of the Members of Parliament.

Complaints and Appeals

The right to legal remedy is guaranteed in the electoral legislation Serbia. Every voter, candidate and submitter of an electoral list, political party, parliamentary group has the right to file complaints about violations of the election law. The protection of the right to vote must be ensured by the LECs, the REC and Administrative Courts. The deadline for submission and for adjudication of complaints has been extended to 72 hours.⁸⁴

One of the main focuses of recently adopted electoral amendments was election dispute resolution. Respective regulations enshrined in the law on the elections of members of the Parliament sets more effective standards of protection of electoral rights. Namely, a two-stage complaint system was replaced by the three-level dispute resolution structure. According to amendments, any voter who has been denied the right to vote, or whose right to secrecy of voting has been violated, has the right to submit a complaint at the local commission, which will receive a respective decision on the complaint. Decisions adopted by the local commission can be further appealed to the REC. Decisions of the REC can be appealed to the Administrative court. The submitters of the electoral lists have the broader right to file objections, in all stages of the electoral process.

As of March 19, there were nine complaints submitted to the REC among which eight were rejected and one was dismissed.

Violations of the pre-election campaign rules can be filed to the ACA as envisaged in the Law on Corruption Prevention and the Law on Financing of Political Activities. Since the beginning of official campaigning for both Early parliamentary and/or Presidential elections the ACA has published some eight complaints with respective decisions. Out of eight complaints three complaints were granted as the ACA found violation of the Article 23 paragraph 4 of the Law on Financing Political Activities.⁸⁵

Chapter 15 of the Criminal Code of Serbia defines criminal offenses against electoral rights. According to criminal code violation of the right to vote is prohibited as well as, giving and accepting bribes in connection with voting, abuse of the right to vote and destroying of documentation on voting. According to ENEMO observers, there are few formal complaints submitted to law enforcement bodies regarding harassment and intimidation of opposition activists.⁸⁶

⁸⁴ Article 152 of the Law on the Election of Members of Parliament.

⁸⁵ As of March 14 the ACA granted three complaints submitted against the Ruling Party SNS and issued warnings for violation of the Article 23 paragraph 4 of the Law on Financing Political Activities.

⁸⁶ ENEMO observers in Novi Sad are informed that Civic Movement "Moramo" filed a complaint to the police regarding harassment and intimidation of their representatives.

Observers

Previous electoral legislation lacked sufficient provisions that would enshrine rights and responsibilities of domestic and international observers, contrary to international standards and previous OSCE/ODIHR recommendations.⁸⁷ Positively, following recent amendments the law on the elections of the members of Parliament provides more detailed provisions about rights and obligations of observers. On the other hand, observers are now obliged to be accredited in specific localities in order to observe, including on Election Day, and cannot observe outside of these designated areas. Moreover, the law does not grant the right to domestic observer organizations to submit Election Day related complaints, thus limiting their role in the dispute resolution process.⁸⁸

For the registration of domestic observer organizations it is mandatory to (1) be a registered association in the Republic of Serbia and (2) to have a goal of election monitoring. The deadline for submission of applications for registration to the REC expires seven days prior to Election Day. In order to grant accreditation, an application submitted to the REC must include a list of observers in prescribed format. The respective provisions of the law further defines the scope of the status of authorized observers.⁸⁹

It should be noted that the REC website does not disclose the total number of international or domestic observers accredited by each organization. As of 21 March, the REC has registered 4 domestic organizations with 44 accredited observers, while there are 6 international/foreign organizations with 79 accredited observers.

⁸⁷ Paragraph 8 of the 1990 OSCE Copenhagen Document underlines that “*the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place*”.

⁸⁸ Observers are entitled to submit complaints against a decision to deny the right to observe printing the ballots.

⁸⁹ Articles 161-168 of the Law on the Elections of Members of Parliament.

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 20 leading domestic monitoring organizations from 16 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 IEOMs 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 39 international election observation missions to 11 countries: Serbia 2022, Presidential and Early Parliamentary Elections; Hungary 2022, Parliamentary Elections; Kosovo 2021, Local Elections; Georgia 2021, Local Elections; Moldova 2021, Parliamentary Elections; Albania 2021, Parliamentary Elections; Moldova 2020, Presidential Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary Elections; Ukraine 2020, Local Elections; 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 MECs; 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; 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.