



INTERNATIONAL ELECTION OBSERVATION

Republic of Serbia — Parliamentary and Early Presidential Elections, 6 May 2012

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Belgrade, 7 May 2012 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE).

Matteo Mecacci (Italy), Head of the OSCE PA Delegation, was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term observer mission. Jean-Charles Gardetto (Monaco) headed the PACE delegation. Corien Jonker (the Netherlands) is the Head of the OSCE/ODIHR Limited Election Observation Mission (LEOM), deployed from 4 April 2012.

This assessment was made to determine whether the elections complied with OSCE commitments and Council of Europe standards for democratic elections, as well as with national legislation. Local elections were held in parallel with the parliamentary and early presidential elections and were observed only to the extent that they have impacted on the conduct of the national contests. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will present its report at its Standing Committee meeting in Monaco on 5 July. The PACE delegation will present its report to its Standing Committee in Tirana on 25 May.

PRELIMINARY CONCLUSIONS

The 6 May 2012 parliamentary and early presidential elections provided voters with a wide degree of choice between various political options and candidates were registered in an inclusive manner. The campaign took place in a conducive environment and showed respect for fundamental civil and political rights. There was also a high degree of confidence amongst most electoral stakeholders in the professionalism and integrity of the election administration. Although the media environment is pluralistic, media ownership lacks transparency and some stakeholders stressed the need to have more balanced media coverage throughout the entire campaign period. Additional efforts are needed to further enhance the integrity of the election process, particularly with regard to the transparency of voter registration.

The legal framework provides a sound basis overall for the conduct of democratic elections. Recent amendments and newly-adopted laws followed a number of previous OSCE/ODIHR and Council of Europe Venice Commission recommendations and are consistent with the OSCE commitments and Council of Europe standards. The electoral legal framework, however, could be further improved through consolidation and harmonization; something on which there was a broad consensus among electoral stakeholders.

Contestants were able to campaign freely and the atmosphere of the campaign was calm overall, revolving mainly around socio-economic issues, unemployment, privatization, alleged corruption, and, to a lesser extent, EU accession and Kosovo. Numerous allegations of widespread vote-

buying amongst Roma, intimidation of employees by various sides and possible misuse of public resources also raised concern.

Electoral commissions at all levels observed by the LEOM carried out their duties efficiently and within legal deadlines, adopting all of their decisions in a collegial manner. This was a significant amount of work for commissions, given the number of elections being held concurrently. The representation of electoral contestants at all levels of the election administration contributed to public confidence in the process. The important role played by the municipal and town electoral commissions and the various *ad hoc* working bodies underscored the need to introduce legal provisions for an intermediate level of election administration.

The number and range of candidates provided voters with distinct choices among political alternatives. In total, 12 presidential candidates and 3,065 National Assembly candidates from 18 lists stood. One third of parliamentary candidates were women, in accordance with legal requirements.

For the first time, a single unified voter register was used in these elections in an attempt to increase accuracy, in line with previous recommendations. Implementation started late and there appeared to be some lack of transparency in the compilation of the register.

The media transmitted a variety of political opinions to voters in talk shows, free-of-charge and paid presentations, news reporting, and televised debates. While voters were provided with a wide range of information about different contestants on the basis of which to make an informed choice, they could have benefited from more analytical and critical coverage of the campaign and of the state authorities. A number of interlocutors expressed concern regarding pressure exerted on media by parties and authorities and this was particularly visible at the local level.

Regulation of political finance was strengthened by the adoption of a new law following a Joint Opinion of the OSCE/ODIHR and Council of Europe Venice Commission, but could be further improved. The Anti-Corruption Agency, which is tasked with control over political finance, oversaw campaign expenditures for the first time and deployed monitors throughout the country. It did not file charges against any candidate or candidate list during the pre-election period, but requested information about individual campaign costs from two political parties.

The Republic Electoral Commission (REC) reviewed all complaints in public sessions and decided each case in open voting, but without the possibility of parties concerned presenting their case. The REC did not publish decisions regarding complaints, but provided them to the complainant and to all electoral contestants. Appeals to the Administrative Court and complaints lodged with the Republican Broadcasting Agency are considered *in camera* continuing not to provide for transparency that was previously recommended.

The atmosphere on election day was calm and no serious incidents were reported. Voting in the limited number of polling stations visited by international observers proceeded in an orderly manner overall. Election commissions carried out their duties in a professional manner, although some procedural problems were noted. Poor design of the voting screens did not ensure the secrecy of the vote. The vote count was orderly, transparent and professional in most polling stations visited.

PRELIMINARY FINDINGS

Background

On 13 March 2012, President Boris Tadić called parliamentary elections for 6 May, simultaneously with local and provincial elections. On 5 April, the President resigned from his post, announcing that he would shorten his term and declaring his intention to run as a candidate in early presidential election. The President cited a need for a new mandate from citizens in the wake of EU's granting a candidate status to Serbia as well as a motivation to save resources by holding all elections simultaneously. On the same day, the parliamentary speaker called an early presidential election for 6 May. This was for the first time since the emergence of multi-party elections in 1990 that three different types of elections were held concurrently.

The last parliamentary elections were held on 11 May 2008. The OSCE/ODIHR LEOM concluded in the final report that they were “overall conducted in line with OSCE commitments and other international standards for democratic elections, although they were overshadowed, in part, by a few negative aspects of the campaign.”¹ This conclusion was reflected in the reports of the OSCE PA and the PACE.²

In the last 2008 presidential election, President Tadić was re-elected in the second round with 50.31 per cent of the vote, against 47.97 per cent for Mr. Tomislav Nikolić, then Deputy Chairperson of the Serbian Radical Party (SRS).³ The OSCE/ODIHR LEOM concluded in the final report that the election was conducted “mostly in line with OSCE commitments for democratic elections. ... The process was transparent and offered voters a genuine choice between distinct political perspectives.”

Electoral System and Legal Framework

Two hundred and fifty members of the National Assembly are elected for four-year terms through a proportional representation system in a single nationwide constituency. Mandates are allocated to registered candidate lists that surpass a threshold of five per cent of ballots received by voters.⁴ The parties representing national minorities are exempted from this threshold. In the presidential election, if no candidate receives a majority of votes cast, a second round is held within 15 days between the two leading candidates; the one who wins most votes is elected.

Parliamentary and presidential elections are regulated primarily by the Law on Election of Representatives (LER) and the Law on Election of the President (LEP), respectively, as well as by the Constitution of 2006. The electoral legal framework also includes the recently-adopted Law on Financing of Political Activities (LFPA), the Law on Single Electoral Roll (LSER) and the Broadcasting Law. Certain aspects of the electoral process are regulated by decisions and instructions issued by the Republic Electoral Commission (REC).

¹ All previous OSCE/ODIHR reports with regard to Serbia can be found at: <http://www.osce.org/odihr/elections/serbia>.

² See <http://www.oscepa.org/election-observation/past-election-observations/432-roberto-battelli-elections-in-serbia-qfree-and-fairq>, <http://www.assembly.coe.int/Documents/WorkingDocs/Doc08/EDOC11618.pdf>.

³ Although President Tadić was first elected in 2004, a Constitutional Law on Enforcement of the Constitution of the Republic of Serbia specifically provided that his 2008 election be considered his first term following a new Constitution adopted in 2006.

⁴ The threshold of five per cent is calculated on the basis of the number of voters who voted, which is determined by counting the number of “circled ordinal numbers” next to the voters’ names in the voter lists.

The legal framework comprises a number of laws for the different types of election; in certain cases, requirements are somewhat at odds and need to be reconciled. There is a broad consensus among electoral stakeholders that the legal framework should be consolidated and harmonized, as previously recommended by the OSCE/ODIHR.

The LER was improved by amendments in 2011 stipulating allocation of mandates according to the order in which candidates appear on the candidate lists and abolishing the long-criticized practice of blank resignations, in line with previous OSCE/ODIHR recommendations and OSCE commitments.⁵ The Constitution, however, still provides for such an imperative mandate, which was the basis for the previous practice.⁶ Concerns remain regarding the extent to which some parties will implement the legal changes fully.⁷ Amendments also introduced a requirement that at least every third candidate on each list is of the “less represented” gender.

The legal framework provides an overall sound basis for the conduct of democratic elections. The electoral legal framework, however, could be further improved in order to fully comply with OSCE commitments and international good practice. Namely, it continues to lack provisions for domestic or international observation and does not require publication of electoral results by polling station.⁸

Election Administration

The parliamentary and early presidential elections were administered by two levels of election administration composed of the REC and some 8,000 regular Polling Boards (PBs). Internally displaced persons were able to vote at regular polling stations of their temporary residence, and out-of-country voters could cast their ballots at 38 polling stations established in 22 countries abroad.⁹

The REC is composed of permanent members, who are nominated by parliamentary parties and ‘extended’ members who enjoy full voting rights and who represent all electoral contestants. PBs are formed according to the same principles and these promote public confidence in the impartiality of the election administration. Women appeared to be well-represented in PBs, but less so among REC members.

While the LER does not provide for mid-level commissions, municipal and town electoral

⁵ See Paragraph 7.9 of the 1990 OSCE Copenhagen Document. Previously, the mandate of an elected deputy was terminated if s/he ceased to be a member of the political party or coalition on whose candidate list s/he was elected, or such party/coalition ceased to exist. Article 88 of the LER now provides that a resignation of a deputy must be personally submitted to the parliamentary speaker within three days of having his/her signature on the resignation letter verified by the authority competent for verification of such signatures.

⁶ This conflicts with Paragraph 7.9 of the 1990 OSCE Copenhagen Document. Venice Commission of the Council of Europe (VC/CoE) criticized this provision of the Constitution in its opinion on the 2006 Constitution of Serbia, see [http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)004-e.pdf](http://www.venice.coe.int/docs/2007/CDL-AD(2007)004-e.pdf).

⁷ One party publicly admitted that it had required its candidates to pay a compensation of 10 million RSD (approximately 90,000 EUR) in the event that they move to another party after the elections.

⁸ Paragraph 8 of the 1990 Copenhagen Document affirms that “presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place.” Publication of election results at all levels provides a possibility to verify that the results “are counted and reported honestly” as provided by Paragraph 7.4 of the 1990 OSCE Copenhagen Document.

⁹ VC/CoE and OSCE/ODIHR welcomed “that voters residing abroad have been provided with the opportunity to register to vote,” Paragraph 17 of the Joint Opinion of the VC/CoE and OSCE/ODIHR on Draft Laws on Electoral Legislation of Serbia, see <http://www.osce.org/odihr/elections/serbia/39946>.

commissions (MECs), the electoral commissions of Belgrade and Niš,¹⁰ as well as *ad hoc* working bodies established by the REC in those municipalities and towns where no local elections were held, performed logistical tasks related to the organization of parliamentary and early presidential elections. Co-ordination between the REC and the MECs was good overall, as confirmed by OSCE/ODIHR long-term observers. The important role played by the MECs and the working bodies in the parliamentary and early presidential elections underscored the need for legal provision for an intermediate level of election administration between the REC and Polling Boards (PBs).

Commissions at all levels observed by the LEOM performed their duties efficiently and within legal deadlines and adopting all their decisions in a collegial manner. This was a significant amount of work for commissions, given the number of elections being held concurrently. The REC held daily sessions throughout the election period, which were open to accredited international and domestic observers, and to the media.

Voter education was limited and centered mainly on voter registration issues. It was conducted predominantly by the Ministry of Human and Minority Rights, Public Administration and Local Self-Government and by MECs; the law does not prescribe a role for the REC in this respect. Given the newly introduced provisions, especially regarding voter registration, voters could have benefited from more information. MECs were responsible for training of the PB members. OSCE/ODIHR LEOM observers noted that the format and the scope of trainings varied.

Voter Registration

All citizens over the age of 18 with a domicile in the country and possessing legal capacity are entitled to vote and stand in elections. After the entry into force of the LSER in December 2011, the Ministry of Human and Minority Rights, Public Administration and Local Self-Government started compiling a unified electronic voter register on the basis of the previous multiple voter lists that had been maintained by municipalities. For the first time, a single unified voter register based on a system of permanent registration was used during these elections. It served as a single data source from which voter lists for each PB were extracted. In accordance with new legal provisions, voters could register to cast their ballots at a place of temporary residence or abroad.

Following a period of extensive verification and efforts to eliminate duplicate entries in collaboration with the municipalities in which more than half of all voters' records were corrected, the REC announced a total number of voters registered for these elections at 6,770,013. There was no requirement for voter lists to be displayed for public scrutiny during verification, but voters were able to examine their registration upon request at municipalities and through the Ministry website or via an SMS system. In addition, the law provides that each voter was to receive an individual notification regarding the location of each voter's polling station at least five days before election day.

Although most interlocutors welcomed the new unified voter register, they commented on the late start on the register's implementation. There appeared to be some lack of transparency in its compilation. The OSCE/ODIHR LEOM was not permitted to observe the implementation of special software utilized to compile the register at the national level or in the municipalities.¹¹

¹⁰ These commissions were instituted in accordance with the Law on Local Elections.

¹¹ Authorities explained this by the provisions of the newly adopted Law on Personal Data Protection. Paragraph 3.3.1.68 of the VC/CoE Code of Good Practice in Electoral Matters provides that "Only transparency ... will ensure proper administration of the election process..."

The LSER and the implementing instructions issued by the Ministry allowed electoral contestants to review the voter register or request amendments. Although the REC instruction entitles the submitters of candidate lists to review “the entire electoral roll,” the Ministry maintained that no one would be able to review the entire voter register. This made it difficult to alleviate concerns of some contestants that a substantial number of voters who provided supporting signatures for the candidate lists were not registered as voters, or to counter reports of a substantial number of unregistered people.

Registration of Candidates and Candidate Lists

Twelve candidates and 18 candidate lists were registered in an inclusive process for the presidential and parliamentary elections, respectively.¹² The overall field of contestants, comprising a total of 3,065 National Assembly candidates provided voters with a wide degree of choice. Two presidential contestants and some one third of parliamentary candidates were female.

Those submitting each candidate list, including national minority parties, and potential presidential candidates had to collect at least 10,000 supporting signatures to be registered. Each voter could support only one list and one presidential candidate. Supporting signatures were certified by lower-level courts, which made a considerable effort to undertake this task, including satisfying a large number of requests to conduct certification in various places outside the courts’ premises. Although not provided by law, for the first time, the Ministry of Human and Minority Rights, Public Administration and Local Self-Government verified whether the signatories were registered as voters.

Campaign Environment

The official campaign for the parliamentary and early presidential elections started on 13 March and 5 April, respectively, and both concluded on 4 May. Electoral contestants were able to campaign freely and the atmosphere was calm overall, with only isolated and minor incidents of violence. Billboards, posters, campaign stalls, door-to-door canvassing and candidate meetings were visible across the country, especially in the urban centres. Parties and candidates made use of the internet, including social networks and blogs. The campaign gained momentum during the last two weeks before election day with presidential candidates holding rallies extensively throughout the country. The contest between Mr. Tadić and Mr. Nikolić dominated both the presidential and parliamentary campaigns.

The campaign revolved mainly around socio-economic issues, unemployment, privatization, alleged corruption, and, to a lesser extent, EU accession and Kosovo. A number of candidates, party representatives and other OSCE/ODIHR LEOM interlocutors publicly alleged widespread vote-buying within the Roma population, intimidation of employees by various sides, and possible misuse of public resources. Such allegations need to be addressed by the relevant authorities if public confidence in the electoral process is to be maintained.

Two days before the elections, a number of ethnic Albanians, including a local candidate, were arrested in connection with the alleged commission of war crimes in 2001. These arrests were announced by the Minister of Interior, Ivica Dačić, also a candidate in the elections, in a highly visible manner. Some interlocutors raised questions with regard to the timing of these arrests.

¹² Candidate lists presented by 7 coalitions (comprising 41 political parties and 5 associations), 9 political parties and 2 groups of citizens were registered for the parliamentary elections.

Political Finance

Regulation of political finance was strengthened by adoption of the LFPA in 2011. According to the law, electoral contestants could finance their campaign activities from public funding¹³ and also from private sources. All candidate lists and all presidential candidates but one requested public funding for the campaign and had to pay a deposit to receive it.¹⁴

The Anti-Corruption Agency (ACA), which is tasked with control over political finance, oversaw the financing of the election campaign for the first time. The ACA monitored the campaign activities throughout the country and relied on the Republican Broadcasting Agency's (RBA) data for monitoring of paid political advertising in the broadcast media.

In the pre-election period, the ACA did not file charges against any candidate or candidate list, but requested information about individual campaign costs from two political parties. The LFPA does not require the ACA to publish its conclusions on parties' reports, nor does it set a deadline for publishing such reports on the ACA's website, which undermines the effectiveness of the control mechanism introduced by the LFPA.

Additionally, the LFPA lacks clarity on how to differentiate between the funding of regular party activities and those that are related to the campaign, does not provide a clear mechanism or a reference to other legislation for evaluating non-monetary contributions, lacks sufficient provisions regarding loans, and contains inconsistencies with regards to sanctions for violations.¹⁵ A number of interlocutors estimated that parties depend on public funds for 70-90 per cent of their financing, which is of concern given that this level of public funding may create an over-dependence of parties on the state subvention.¹⁶

The Media

The media transmitted a variety of political opinions to voters in talk shows, free-of-charge and paid presentations, news reporting, and televised debates. However, a number of political parties questioned the independence and objectivity of the media. They also voiced concern that Mr. Tadić had derived extra media exposure in his capacity as president prior to his resignation. They felt that he, thereby, gained an advantage before the commencement of an official campaign period.

In its recent report, the Anti-Corruption Council, a government-appointed advisory body indicated that the main problems included a lack of transparency in media ownership and economic

¹³ The public funding constituted approximately RSD 880 million (approximately EUR 8 million) for each type of the national elections. In the parliamentary race, 20 per cent of these funds were distributed equally among all electoral contestants, while remaining 80 per cent will be distributed after the elections among the parties gaining representation in proportion to the number of seats won. In the early presidential election, half of this sum was distributed equally among all candidates and the remaining half will be split between the two contestants in case of the second round.

¹⁴ The deposit will be returned to all contestants who gain 1 per cent of ballots received by voters (or 0.2 per cent in case of the minority parties).

¹⁵ See also recommendations contained in the GRECO "Evaluation Report on the Republic of Serbia," [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2010\)3_Serbia_Two_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2010)3_Serbia_Two_EN.pdf).

¹⁶ See the Joint Opinion of the OSCE/ODIHR and VC/CoE on the Revised Draft Law on Financing Political Activities, available at http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&OID=620.

influence of state institutions on the media, among other issues.¹⁷ In addition, most LEOM interlocutors, including media representatives and civil society, expressed concerns regarding the pressure exerted on media by political parties and authorities and this was particularly visible at the local level. While voters were provided with a wide range of information about different contestants on the basis of which to make an informed choice, they could have benefited from a more analytical and critical coverage of the campaign and of the state authorities. Such coverage was only provided by a small number of on-line media whose potential impact was lower than that of television.

The electoral legal framework, including the RBA's instructions, governs the coverage of the campaign in the broadcast media.¹⁸ The RBA instructions state that coverage of campaign activities should be "based on the principles of objectivity, equality and protection of public interest." Public *Radio-Televizija Srbije* (RTS) complied with its legal obligation to allocate 30 minutes of free, prime-time coverage to each contestant once during the campaign. This airtime was, however, offered on channel RTS2 that has a significantly lower audience than RTS1.

The OSCE/ODIHR LEOM media monitoring¹⁹ showed that during the four weeks preceding elections, television channels covered all contestants in their news reports on the campaign. This coverage was characterized by a lack of critical reporting: almost 70 per cent of the overall combined coverage given to the parties and the government by all television channels was positive in tone and only 1 per cent was negative.

RTS1 broadcast three debates between representatives of the candidate lists of seven parties represented in the outgoing parliament. Representatives of 7 of the remaining 11 candidate lists took part in primetime talk shows on RTS1. In its political and election-related primetime news coverage, RTS1 devoted 26 per cent of the time to the government, 11 per cent to both the Democratic Party (DS) and the Serbian Progressive Party (SNS), 8 per cent to the Democratic Party of Serbia, and 7 per cent to the SRS, with each of the other contestants receiving less coverage. This coverage was overwhelmingly positive or neutral in tone.

Similarly to RTS, most private television channels provided the biggest portion of their political and election-related news coverage to the state authorities. As for the coverage of contestants, private channels focused mainly on the two frontrunners, with the DS receiving slightly more coverage than the SNS. Mr. Tadić also took part in a popular entertainment programme on *Prva TV* for almost 45 minutes, which gave him some advantage over his opponents.

Monitored newspapers generally provided a wide range of views to voters, but did not offer their readers an analysis of electoral contestants' platforms and views that was more comprehensive or critical than that by the broadcast media. Some of them provided more coverage to the DS over other parties, especially in the last two weeks of campaign.

Complaints and Appeals

The legal framework provides a clear system for the resolution of electoral disputes. Complaints

¹⁷ See the report "Pressures on & Control of Media in Serbia" at <http://www.antikorupcija-savet.gov.rs/Storage/Global/Documents/mediji/IZVESTAJ%20O%20MEDIJIMA%20PRECISCEN%20ENG..pdf>.

¹⁸ Articles 5 and 48-51 in the LER and the LEP, and the RBA's binding instructions.

¹⁹ The LEOM monitored political and electoral coverage from 6 April to 6 May during the prime-time period (18:00–24:00 hours) on public *RTS1* and *TV Vojvodina* and private television channels *Pink TV*, *B92*, and *Prva TV*, as well as in daily newspapers *Blic*, *Danas*, *Politika*, *Press*, and *Vecernje Novosti*.

about alleged electoral violations can be filed with the REC by those registering candidate lists, by candidates, and by voters. The REC is obliged to decide on complaints within 48 hours with an appeal possible to the Administrative Court. Complaints may also be submitted to the Constitutional Court when all other legal remedies have been exhausted. The REC can annul the voting in a particular polling station, while the Constitutional Court can also invalidate the elections as a whole, if they find irregularities that may have influenced the results.

In the pre-election period, the REC received 26 complaints related to the presidential and parliamentary elections. Nineteen of these complaints pertained to the formation of the PBs. The REC reviewed all complaints in public sessions and decided each case in open voting, but without the possibility of parties concerned presenting their case. Seventeen of these complaints were not heard because they were submitted late or by individuals not authorized to do so and seven were dismissed as unsubstantiated. The REC did not publish decisions regarding complaints, but provided them to the complainant and to all electoral contestants. There appeared to be some inconsistency in the REC's decisions on whether complaints were filed by authorized people or not.²⁰ Five REC decisions were appealed to the Administrative Court. Of these, three cases were upheld by the Administrative Court. The Administrative Court holds *in camera* hearings. It argued that this is necessitated by the short deadlines established by the LER and relied on its interpretation of the 2009 Law on Administrative Disputes.²¹

A number of previous recommendations of OSCE/ODIHR and VC/CoE regarding the legal framework for electoral dispute resolution remain unaddressed.²² The law still provides for a short 24-hour deadline for filing complaints to the REC. As previously noted by OSCE/ODIHR, the lack of public and transparent hearing of appeals remains a concern and is not in compliance with OSCE commitments²³ and other international standards for democratic elections.²⁴

The RBA monitored coverage of campaign in the broadcast media and dealt with media-related complaints. In the pre-election period, the RBA received numerous complaints, on several of which it has taken action. Despite repeated requests by the LEOM, the RBA has yet to provide detailed information regarding complaints or copies thereof. The RBA does not publish its decisions on complaints in full, but makes information on these available on its website.

Participation of National Minorities

According to the 2002 census, some 17 per cent of the population identified themselves as non-Serbs, representing more than 20 minorities, with the largest groups being Hungarians, Bosniaks, and Roma. The Constitution guarantees the rights and freedoms of national minorities, including those related to political association, cultural institutions, education and access to information in their own languages, the rights to elect and to be elected.²⁵

²⁰ While on 24 April the REC upheld a complaint by the head of the DS faction of one of the local councils, it dismissed complaints from other such complainants deeming them as unauthorized to complain, according to Article 95 of the LER.

²¹ Paragraph 1 of Article 33 of the Law on Administrative Disputes requires court proceeding to be public, while Paragraph 2 allows for *in camera* hearing of any case that "does not require direct hearing of parties and a separate establishment of facts, or if the parties have explicitly accepted to act in such a manner."

²² See Paragraph 76 of the Joint Opinion of the VC/CoE and OSCE/ODIHR on Draft Laws on Electoral Legislation of Serbia, see <http://www.osce.org/odihr/elections/serbia/39946>.

²³ Paragraphs 5.10 and 12 of the 1990 OSCE Copenhagen Document.

²⁴ Part II 3.3.100 of the Code of Good Practice in Electoral Matters; Articles 8 and 10 of the Universal Declaration of Human Rights; Article 14 of the International Covenant on Civil and Political Rights; Articles 6, 13 and 17 of the European Convention on Human Rights and Article 3 of its Protocol No. 1.

²⁵ This is in line with Paragraph 30 of the 1990 OSCE Copenhagen Document.

The Law on Political Parties requires a lower threshold of 1,000 supporters to establish a political party representing a national minority, as compared to 10,000 required for a regular party. Four minority parties and two minority coalitions registered candidate lists for the parliamentary elections. In addition, several other parties representing ethnic Macedonians, Bosniaks, Bulgarians, Slovaks, Bunjevci, Croats, Roma, and Vlachs participated in the elections, in coalitions with major parties. A representative of a Hungarian national minority ran in the early presidential election.

The OSCE/ODIHR LEOM received some credible allegations from different parts of the country of undue influence on minority voters. Electoral stakeholders considered the Roma minority to be particularly vulnerable to possible electoral malpractices, particularly vote-buying.

Domestic and International Observers

While the law continues not to provide for domestic or international observers, the REC accredited some 1,098 observers from 2 domestic organizations and 206 international observers for these elections. The largest domestic observation effort was carried out by the Center for Free Elections and Democracy that deployed some 1,000 observers throughout the country on election day and also conducted a parallel vote tabulation.

Election Day

The atmosphere on election day was calm and no serious incidents were reported. Voting in the limited number of polling stations visited by international observers proceeded in an orderly manner overall. Election commissions carried out their duties in a professional manner, although some procedural problems were noted. The design of the voting screens did not ensure the secrecy of the vote. The small size of many observed polling stations, combined with the high number of individuals authorized to be in the polling stations, at times caused overcrowding, especially in the first half of the day. Some instances of family voting were noted and ballot boxes were occasionally poorly sealed.

Some media breached the campaign silence period and the RBA ordered cable operators to stop broadcasting five television channels. The vote count was carried out in a professional, transparent and orderly manner, and procedures were generally adhered to in most polling stations visited. The tabulation process in the MECs visited by the observers was professional overall but sometimes slow, in certain cases continuing into the morning.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Belgrade, 7 May 2012 – In line with OSCE/ODIHR’s standard methodology for Limited Election Observation Missions (LEOMs), the LEOM focused on the longer-term electoral process without the additional deployment of short-term observers that would have provided the basis for a quantitative assessment of election day. The LEOM opened in Belgrade on 4 April 2012 with 15 experts in the core team and 12 long-term observers deployed to six regions of the country. Ms. Corien Jonker, Head of the OSCE/ODIHR LEOM, also traveled to Novi Sad, Novi Pazar, Bujanovac and Vranje, where she met with candidate representatives, local authorities as well as civil society representatives.

The Special Coordinator, Matteo Mecacci, who led the short-term OSCE observer mission, paid two pre-electoral visits to Serbia, one to Belgrade from 10 to 12 April and one to South Serbia and the Novi Pazar region from 2 to 3 May. In this context, Mr Mecacci met the leadership of political parties, representatives of election administration, civil society, media and international community. In particular, during the second pre-electoral visit to South Serbia and the Novi Pazar region, Mr Mecacci met with representatives and candidates of the Albanian and Bosniak communities.

Jean-Charles Gardetto, Head of the PACE delegation, paid a pre-electoral visit to Serbia from 16 to 19 April. Mr. Gardetto and a delegation of four members of the PACE met with representatives of political parties, media, and civil society.

The OSCE PA and the PACE carried out short-term observation in accordance with their regular procedures.

The observers visited a limited number of polling stations around the country on election day, although observation was not conducted in comprehensive fashion. On election day, 77 observers were deployed, including 31 parliamentarians and staff from the OSCE PA, 19 from the PACE, and 27 long-term observers and experts from the OSCE/ODIHR. In total, there were observers from 31 OSCE participating States.

The observers wish to thank the authorities of the Republic of Serbia for their invitation to observe the elections and the REC and the Ministry of Foreign Affairs for their assistance. They also express their appreciation to other state institutions, political parties and civil society organizations for their co-operation. The observers also wish to express appreciation to the OSCE Mission to Serbia and other international institutions for their co-operation and support.

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