

Serbia's elections offered diverse political options, but shortcomings led to an uneven playing field, international observers say

BELGRADE, 4 April 2022 – Fundamental freedoms were largely respected in Serbia's 3 April presidential and early parliamentary elections, and voters were presented diverse political options, but a number of shortcomings resulted in an uneven playing field, favouring the incumbents, international observers said in a statement today. The combined impact of unbalanced access to the media, undue pressure on public sector employees to support the incumbents, significant campaign finance disparities and misuse of state resources resulted in unequal conditions for contestants, the statement says.

Recent legislative changes, adopted following extensive dialogue among the ruling parties and some of the opposition, included some welcome improvements, but key aspects of the electoral process require further reform and implementation, the statement says. While media covered all electoral contestants, most public and private broadcasters with national coverage favoured the incumbent president and the ruling coalition, limiting the opportunity of voters to make a fully informed choice, the observers said.

"This was a competitive campaign and, importantly, included opposition candidates this time, but the pervasive influence of the ruling parties gave them undue advantage," said Kyriakos Hadjiyianni, special co-ordinator and leader of the OSCE short-term observers.

The elections took place against the backdrop of intense polarization between the ruling coalition and opposition parties, which had been reflected in an opposition boycott of the 2020 parliamentary elections and numerous public protests between July 2020 and January 2022.

"The recurring cycle of early parliamentary elections led to the creation of a 'culture' of early elections, which impacts the efficient functioning of the Parliament, no matter which political forces are in power," said Aleksander Pociej, Head of the delegation from the Parliamentary Assembly of the Council of Europe. "It is regrettable that the public broadcaster and the majority of media outlets were not balanced in their coverage during the campaign."

During the campaign period, some key challenges limited voters' ability to choose free from pressure or inducement. Along with pressure on public sector employees and the misuse of state resources by state and municipal actors, the observers were also told that excessive budgetary allocations were made to certain categories of voters prior to the elections. The war caused by the Russian Federation's invasion of Ukraine largely overshadowed the campaign, especially early on, and shifted the public discourse to European security developments and their impact on Serbia.

Eight presidential candidates, including 3 women, and 19 parliamentary lists totalling 2,912 candidates (42 per cent women, including in winnable positions), were registered. Party platforms and campaign messages rarely addressed issues related to gender equality.

"We welcome the return to a more pluralistic and diverse Parliament in Serbia following yesterday's elections, where voter turnout was higher. However, we condemn the violent attack on election day against one opposition leader," said Thijs Reuten, Head of the delegation from the European Parliament. "We regret that the campaign was held in a highly polarized political environment, marked by limited media freedom and pluralism and government pressure on voters. We look forward to working together with the newly composed Serbian Parliament on concrete measures to strengthen democracy and the rule of law in Serbia on its EU path."

"While I wish to emphasize that parties that previously boycotted elections participated this time, after extensive inter-party dialogue that led to a set of reforms, this should be seen as only the starting point for a more transparent dialogue towards broader and much needed further reform," said Bryndis

Haraldsdottir, Head of the delegation from the OSCE Parliamentary Assembly. “This approach through dialogue, the core of democracy, has to be the way forward, as part of restoring trust in the system.”

Most opposition representatives cited a long-standing lack of opportunity to present their views on both public and private national broadcasters, and many journalists highlighted prevailing self-censorship and, often, their vilification. During the campaign, the public broadcasters covered the campaign activities of all election contestants in line with the law, but provided uncritical news coverage to some candidates in their capacities as state officials. The Electronic Media Regulatory Authority (REM) did not address these issues, and the effectiveness of the temporary authority established to supervise media compliance in coverage of the campaign was significantly undermined by its lack of enforcement powers.

Overall, the legal framework provides an adequate basis for the conduct of democratic elections, but effective implementation and additional measures are indispensable to fully ensure a level playing field. Positively, the February 2022 legislative changes addressed some prior ODIHR and the Council of Europe Venice Commission recommendations, but a number of these remain, including on access to media, campaign finance, measures to tackle pressure on voters, and the public scrutiny and audit of voter lists.

The election administration carried out its duties efficiently and, for these elections, all election commissions included representatives of the non-parliamentary opposition. There were varying levels of confidence in the election administration bodies, and concerns were voiced about the technical capacity of lower-level commissions to cope with new responsibilities. Election day was smoothly conducted and peaceful overall but, despite solid preparations, was marked by a number of systematic procedural deficiencies related to polling station layout, overcrowding, breaches in secrecy of the vote and numerous instances of family voting.

The transparency and effectiveness of campaign finance regulation is limited and, while the February 2022 legislative changes addressed ODIHR and Venice Commission recommendations on donation limits and interim reporting, some issues remain, including on a campaign expenditure limit and on improvement of the oversight mechanism. Many political party representatives raised concerns that the late disbursement of public funds for the campaign undermined the ability to campaign effectively, and opposition parties asserted that the newly introduced tax audit of donors to political parties discouraged financial support for their campaigns. The Anti-Corruption Agency did not respond effectively to potential violations.

“A number of welcome changes to electoral legislation and practice were introduced recently, some addressing previous ODIHR recommendations.” said Douglas Wake, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights. “However, much more fundamental reform in such areas as media access, accountability for campaign offences, and campaign finance regulation – and their effective implementation – are indispensable to ensure that all contestants can compete in elections on an equal basis, civil society and media can contribute effectively to political debate, and all voters have the opportunity to make fully informed choices.”