



## INTERNATIONAL ELECTION OBSERVATION Republic of Serbia – Early Parliamentary Elections, 16 March 2014

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Belgrade, 17 March 2014** – 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).

Roberto Battelli (Slovenia) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term observer mission. Luigi Compagna (Italy) headed the OSCE PA delegation. Pedro Agramunt (Spain) headed the PACE delegation. Ambassador Boris Frlec (Slovenia) is the Head of the OSCE/ODIHR Limited Election Observation Mission (LEOM), deployed from 13 February 2014.

The assessment was made to determine whether the elections complied with OSCE commitments and Council of Europe standards for democratic elections, as well as Serbia's international obligations and domestic legislation. 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 count, 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 Baku on 28 June 2014. The PACE delegation will present its report at its April 2014 part of session in Strasbourg.

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### PRELIMINARY CONCLUSIONS

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The 16 of March 2014 early parliamentary elections offered voters a genuine choice. Fundamental freedoms were respected throughout the campaign. Election commissions at all levels performed their duties efficiently and professionally and met legal deadlines. There was a lack of critical and analytical reporting on the campaign in the media. Pluralism of opinion and independence of journalists are jeopardized by the influence exerted on media by political parties in power, including through discretionary public funding.

The legal framework provides a sound basis for the conduct of democratic elections in line with OSCE and Council of Europe commitments, and other international standards, although certain recommendations from the previous elections remain unaddressed. While the legal framework governing parliamentary elections remained unchanged from 2012, certain aspects were improved through by-laws issued by the Republic Electoral Commission (REC).

The elections were administered by a two-tiered system, consisting of the REC and polling boards (PBs). In the absence of a legal provision for the middle-level of election administration, *ad hoc* working bodies were created at the municipal level to provide logistical support to the election administration. The REC adopted its decisions in a collegial manner in sessions that were open to the media and accredited observers.

It was reported by interlocutors that considerable efforts had been undertaken since 2012 to eliminate double entries and delete records of deceased voters from the unified electronic voter register, as well as to modify the register to allow for recording the names of voters of national

minorities in both Latin and Cyrillic scripts. Although the voter register was not displayed for public scrutiny, electoral contestants could access it and voters could review their personal details through a variety of methods.

The REC registered 19 candidate lists with a total of 3,020 candidates, offering voters a genuine choice. A third of the candidates were women, in line with the legally stipulated gender quota. The nominees had to comply with registration requirements, including submitting at least 10,000 certified supporting signatures, which some political actors perceived as overly bureaucratic. For national minorities, the requirement of 10,000 signatures was also unduly high, considering the affirmative measure of a lower threshold of 1,000 signatures for them to register parties.

In general, the campaign was low-key and peaceful, but isolated incidents of election-related violence were reported. The country's economic situation, especially employment and various investment issues, reforms necessary for EU integration, and the fight against corruption were main topics in the campaign.

On 28 February, the Ombudsperson, the Commissioner for Information of Public Importance and Personal Data Protection, and the Anti-Corruption Agency (ACA) issued a joint statement urging contestants to respect the law and refrain from misusing public resources, conducting aggressive door-to-door campaigning, and campaigning in facilities for children. Some concerns were raised about the misuse of administrative resources by different parties in power at the local level, and there were credible reports of cases of voters, especially public sector employees, being intimidated.

While the law governing political finance provides an adequate framework for parties' activities, the lack of transparency of sources remains a concern. The legal framework establishes limits on annual private contributions for the campaign, but not for campaign expenditures. The Anti-Corruption Agency, tasked with overseeing this field, deployed observers to monitor campaign activities throughout the country to verify contestants' campaign finance reports.

The media landscape is diverse and comprises a large number of public and private outlets. Lack of transparency of media ownership remains a concern. The media monitoring showed that both public and private television stations offered extensive coverage of the elections in a variety of formats, mostly in a neutral tone. The lack of critical and analytical reporting and the shortage of voter education content were, however, evident. The tone of political debate tended to be sharper in print and internet media.

The electoral dispute resolution mechanism is clear and generally complies with the OSCE commitments and Council of Europe Venice Commission's good practice. Few complaints were submitted before election day. While interlocutors did not express any specific concerns regarding the electoral dispute resolution system, most of them voiced general mistrust regarding the independence and efficiency of the judiciary.

A number of national minority parties registered their electoral lists either independently, in coalitions composed of only minority parties, or jointly with national parties and coalitions. In line with previous recommendations, some safeguards were introduced to prevent the abuse of affirmative measures by political entities that do not represent national minorities.

Female candidates were hardly visible, and the contestants did not specifically address women in their programmes. Analysis of the media campaign coverage from a gender perspective showed that women's visibility was limited both in broadcast and print media. Of 75 permanent and extended REC members, only 17 are women. The REC does not maintain gender-disaggregated data on the composition of the election management bodies.

Despite previous OSCE/ODIHR recommendations, the law still contains no explicit provisions for citizen or international election observation, and the issue is regulated by the REC instructions. The legislation does not provide for political party observers as it allows every registered political entity to nominate an extended member and a deputy to the REC and to each polling board.

Election day procedures were generally conducted in an organized and transparent manner. In the limited number of polling stations visited by international observers, PB members presented solid knowledge of the voting procedures. The design of the voting screens, combined with the layout of the polling stations, did not always ensure the secrecy of vote. Some voting premises were inadequately small, which, combined with the large number of PB staff, caused overcrowding.

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## PRELIMINARY FINDINGS

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### Background

On 29 January 2014, following a proposal by the government, President Tomislav Nikolić dissolved the National Assembly and announced early parliamentary elections for 16 March. The ruling coalition of the Serbian Progressive Party (SNS) and the Socialist Party of Serbia (SPS) justified early elections by the need for a renewed political mandate and a longer timeframe to implement economic reforms and lead the country to EU accession, negotiations for which officially opened on 21 January.

Previous parliamentary elections were held on 6 May 2012, simultaneously with the first round of the early presidential elections. The OSCE/ODIHR in its final report assessed that the elections “provided voters with a large degree of choice between various political opinions, and were characterized by a respect for fundamental rights and freedoms” and offered recommendations on enhancing the transparency of the election process.<sup>1</sup>

### Electoral System and Legal Framework

The 250 member unicameral parliament is elected for a four-year term in one, countrywide constituency through a closed-list, proportional system. Mandates are distributed among candidate lists that receive more than five per cent of the votes cast. Lists representing national minorities are exempt from the five per cent threshold requirement.

Parliamentary elections are primarily regulated by the 2006 Constitution, and the 2000 Law on Election of Representatives (LER), last amended in 2011. Provisions of other laws, including the 2009 Law on Single Electoral Roll (LSER), last amended in 2011, the 2011 Law on Financing Political Activities (LFPA), the 2009 Law on Political Parties, the 2001 Broadcasting Law, last amended in 2009, and the 2005 Criminal Code, are also applicable. The legal framework is supplemented by the Republic Electoral Commission (REC) Rules of Procedures adopted in 2012, and a set of instructions re-issued in February 2014.

The legal framework provides a sound basis for the conduct of democratic elections in line with OSCE and Council of Europe commitments, and other international standards, although certain recommendations from the previous elections remain unaddressed. While statutory laws governing parliamentary elections remained unchanged from 2012, certain aspects were improved through by-laws issued by the REC. Specifically, in line with previous OSCE/ODIHR recommendations, the criteria for polling board membership were more clearly specified and the requirements for national

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

minority lists to register were clarified. However, other long-standing shortcomings and recommendations identified in past OSCE/ODIHR reports remain unaddressed, in particular those pertaining to candidate list registration, election administration, and complaints and appeals.

## Election Administration

The early parliamentary elections were administered by a two-tiered system, comprising the REC and 8,387 Polling Boards (PBs), of which 29 were set up in penitentiary institutions and 35 established in 20 countries abroad.

The REC is appointed by the National Assembly for four years. In its full composition, it has 75 members, including their deputies. These include permanent members from parliamentary groups calculated proportionally with the d'Hondt method and non-voting members – a secretary and a representative of the Republic Statistical Office. The REC also includes extended members nominated by electoral contestants following their registration, and having equal voting rights with the permanent ones. The PBs are composed in the same manner and have three permanent members, as well as, in the extended composition, members who are nominated by the electoral contestants and subsequently appointed by the REC. Each REC and PB member, apart from the RSO representative in the REC, has a deputy. The REC prepared detailed instructions regulating PB operations before and on election day. Additionally, each PB chairperson and, at times, his/her deputy were trained by the head of the respective local administration. Voter education was scarce, and the REC only provided information on the place of voting, as required by law.

The REC appointed 26 of its members (including the extended ones) as Regional Co-ordinators for each district of Serbia to oversee preparations for elections. Despite OSCE/ODIHR and the CoE Venice Commission recommendations, a middle level of election administration is not provided for by the legal framework.<sup>2</sup> The matter is regulated by a REC instruction, according to which 166 *ad hoc* Working Bodies (WB) were created at municipal level to provide logistical support to the election administration. Composition of the WBs also reflected that of the National Assembly, and no extended membership was foreseen for them.

In Belgrade city, Negotin, Pećinci, Aranđelovac and Bor, the elections to the municipal councils took place simultaneously with the parliamentary elections. In these localities, instead of the WBs, the REC formed municipal electoral commissions that comprised permanent members appointed in accordance with the formula applicable for the composition of the REC. In each of these municipalities, the PBs also reflected the political composition of the local assembly.<sup>3</sup>

Election administration bodies at all levels performed their duties efficiently and professionally and met legal deadlines. The REC adopted its decisions in a collegial manner in sessions that were open to the media and accredited observers; agendas of the sessions were not known in advance, however, the minutes of the REC sessions were published online without delay.

Of 75 permanent and extended REC members, only 17 are women. The REC does not maintain

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<sup>2</sup> See Final Report of the 2012 OSCE/ODIHR LEOM, <http://www.osce.org/odihr/92509>. See also the OSCE/ODIHR and CoE Venice Commission Joint Opinion CDL-AD(2006)013, Paragraph 18, which recommends that “the law be amended to include intermediary electoral commissions with adequate transparency safeguards and broad political participation.”

<sup>3</sup> Each electoral contestant that ran only in the local elections could also appoint an extended member (and his/her deputy) to the respective municipal electoral commission and one PB member (and his/her deputy) to all PBs in their constituency, given that it registered candidates for at least 60 per cent of seats (30 per cent for those representing national minorities) in the local council.

gender-disaggregated data on the composition of the election management bodies.<sup>4</sup> LEOM observers noted that women comprised, on average, one third of the WBs' composition, with a significant variation between different parts of the country.<sup>5</sup> Women were well represented among the staff of the limited number of polling stations visited by the international observers.

## Voter Registration

The right to elect and to be elected as a member of parliament is granted to citizens who are over 18 years of age, have legal capacity and domicile in Serbia. The unified electronic Voter Register (VR) is maintained by the Ministry of Justice and Public Administration (MoJ), but the data is processed at the municipal level. The MoJ provided the VR extracts for each polling station (PS) to the REC. The VR was used for the first time during 2012 elections and the OSCE/ODIHR LEOM was informed by the MoJ of considerable efforts since then to eliminate double entries, delete records of deceased voters, and to modify the VR to allow for recording the names of voters of respective national minorities in both Latin and Cyrillic scripts.<sup>6</sup>

Although, despite international good practice, the VR was not displayed for public scrutiny,<sup>7</sup> electoral contestants could access it. Voters could review their personal details through the MoJ webpage,<sup>8</sup> via phone or in their municipalities, and request changes if applicable. After the VR was finalized on 12 March, municipalities sent individual notifications to all voters on the locations of their respective PSs.

Voters, including internally displaced persons, could register to vote at the place of their temporary residence. The number of voters, announced by the REC, amounted to 6,765,998, including 7,169 registered to vote abroad. While interlocutors expressed only limited concerns over the accuracy of the VR, the issue of discrepancies between the VR and the census data became the subject of discussion in the media during the last weeks of campaign.<sup>9</sup>

## Registration of Candidate Lists

The LER entitles political parties, coalitions, and groups of citizens to nominate candidate lists. The nominees must comply with registration requirements, including submitting at least 10,000 supporting signatures certified by lower-level court clerks. For national minorities, the requirement of 10,000 signatures was also unduly high, considering the affirmative measure of a lower threshold of 1,000 signatures for them to register parties. Each voter could sign in support of only one list.<sup>10</sup>

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<sup>4</sup> See Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) Article 7. See also General Recommendation 23 to CEDAW, Article 48.

<sup>5</sup> Representation of women in the WBs varied from some 80 per cent in Vojvodina to 20 per cent in southern Serbia.

<sup>6</sup> According to the MoJ, there are still about 50,000 names of people from the Albanian national minority to be entered in the VR in Latin transcription.

<sup>7</sup> Paragraph 1.2.iii of the CoE Venice Commission Code of Good Practice in Electoral Matters (CDL-AD (2002)23) provides that "electoral registers must be published."

<sup>8</sup> See the web page of the MoJ: <http://www.mpravde.gov.rs/electoralroll.php>.

<sup>9</sup> MoJ explained to the OSCE/ODIHR LEOM that the discrepancies between the two are due to different methodologies of data collection: census data is short of information about those who live abroad for an extended period of time, did not take part in census data collection, the people who live in Kosovo, as well as of the Albanian population that chose to boycott the census. The VR, on the other hand, contains data of all eligible voters, including those living abroad.

<sup>10</sup> Paragraph 77 of the 2010 OSCE/ODIHR and CoE Venice Commission Guidelines on Political Party Regulation recommends that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

The REC had 24 hours to consider each nominee's application and outsourced verification of supporting signatures to the MoJ, which checked if a given identification number corresponded to the voter in the VR and annulled signatures of those who were either not found in the VR or had already signed in support of a previously registered candidate list. Verification of signatures is subject to a fee of RSD 50 per signature, putting the cost of registering a candidate list at RSD 500,000 (approximately EUR 4,300) or more. Some political actors perceived this amount as excessive and characterized the signature certification procedure as overly bureaucratic.

The REC registered 19 candidate lists with a total of 3,020 candidates in an inclusive process. A third of the candidates were women, in line with the legally stipulated gender quota.<sup>11</sup> All applications for registration were approved but one. The list of the "None of the Above" (NOPO) was rejected by the REC as the party submitted its registration documents after the deadline and presented fewer than 10,000 support signatures. The Administrative Court upheld the REC's decision upon NOPO's appeal.

A total of 6,801,161 ballots were printed, including a reserve of 0.5 per cent over the number of registered voters announced on 1 March. Multilingual ballots were printed for the polling stations in minority areas defined by the REC.<sup>12</sup>

## Campaign Environment

The electoral campaign started on 29 January and ended 48 hours prior to the election day, as foreseen by law. The 19 candidate lists, of which 7 were coalitions comprised of several parties, offered voters a genuine choice. Most of the electoral contestants ran active campaigns that often focused more on the personalities of list leaders than the political programmes. They used a variety of tools, such as public rallies, indoor gatherings, door-to-door campaigning, billboards, and posters, to reach voters. At the same time, OSCE/ODIHR LEOM interlocutors from smaller parties and civic movements noted the lack of financial resources to run a visible campaign. Female candidates were hardly visible, and the contestants did not specifically address women in their programmes.

In general, the campaign was low-key and peaceful, but isolated incidents of election-related violence were reported.<sup>13</sup> The country's economic situation, especially the employment and various investment issues, the reforms necessary for the EU integration, and the fight against corruption<sup>14</sup> were the main topics of the campaign. The majority of electoral contestants declared their commitment to European values and EU integration. Opinion polls showed a distinct lead for the SNS. Thus, few electoral contestants criticized the party, as many saw themselves as SNS's prospective coalition partner.

Some interlocutors raised concerns about the misuse of administrative resources by different parties in power at the local level. Specifically, OSCE/ODIHR LEOM received credible reports about

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<sup>11</sup> While all registered electoral contestants complied with the gender quota requirements upon the submission of the registration documents, after the registration, three female candidates withdrew from the DS list, making the number of female candidates drop below the required 33 per cent. Despite the fact, the REC decided not to de-register the list.

<sup>12</sup> For example: Serbian-Hungarian, Serbian-Albanian-Bulgarian, etc.

<sup>13</sup> Cases of electoral violence, such as physical assaults and attacks against party premises, have been reported by the media, as well as by the OSCE/ODIHR LEOM long-term observers, from Indija, Jelašnica, Kruševac, Prijepolje, Vranjska Banja, Užice, and Zaječar.

<sup>14</sup> Several corruption cases that involve, either directly or indirectly, key political figures were brought to public attention during the campaign. Consequently, doubts about the political impartiality of the fight against corruption were raised by a number of the OSCE/ODIHR LEOM interlocutors.

cases of intimidation of voters during door-to-door campaigning and of public sector employees.<sup>15</sup> Some practices of vote-buying, such as delivery of food packages and other goods, as well as offers of free-of-charge medical check-ups, were observed by the OSCE/ODIHR LEOM long-term observers. On 28 February, the Ombudsperson, the Commissioner for Information of Public Importance and Personal Data Protection, and the Anti-Corruption Agency (ACA) issued a joint statement urging contestants to respect the legislation and refrain from misusing public resources, conducting aggressive door-to-door campaigning, and conducting campaigning in facilities for children.<sup>16</sup>

As a punitive measure for violating electoral silence, the RBA ordered cable operators to stop broadcasting two television channels for two hours on 14 March. Despite the REC explanation that the electoral silence applies to all media, including on the internet, the OSCE/ODIHR LEOM monitoring showed that campaigning continued throughout the electoral silence period, including on election day, on Facebook and Twitter profiles of electoral contestants.

### Political and Campaign Finance

The LFPA regulates both private and public sources of financing of political entities and distinguishes between regular political activities and those of campaigning. It establishes limits on annual private contributions for the campaign<sup>17</sup> but not for campaign expenditures.<sup>18</sup> Public funds for campaign activities constitute 0.1 per cent of the state budget, 20 per cent of which is distributed equally among all the electoral contestants that request public funding.<sup>19</sup> A political entity wishing to use public funds to finance its campaign must match them with an election bond of the same amount to be deposited with the Ministry of Finance. The bond is to be returned to the political entity if it wins a minimum of one per cent of the valid votes cast. The public funds must be returned if the contestant fails to reach this threshold. Eighteen of the 19 candidate lists contesting these elections applied for public funding (approximately EUR 77,000 each). The remaining 80 per cent is disbursed to contestants after elections proportionally to the results obtained.

A number of the OSCE/ODIHR LEOM interlocutors underlined that while the LFPA provides an adequate framework for political entities' activities, the lack of transparency of sources of financing remains a concern. The LFPA tasks the ACA with the oversight of political financing. Political entities must submit to the ACA their annual financial reports, and, in an election year, reports on campaign financing 30 days after the publication of final election results. The ACA deployed 151 observers to monitor campaign activities throughout the country to verify contestants' campaign finance reports.

The ACA cannot impose sanctions but can issue warnings and initiate misdemeanor proceedings against a party or its authorized representative. Sanctions for violations of the LFPA include fines and the party's loss of public funding during the next calendar year. In 2013, ACA initiated 390 procedures for violations of the LFPA. The courts have, up to date, ruled in 28 instances, imposing

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<sup>15</sup> OSCE/ODIHR LEOM long-term observers received credible reports from Arandelovac, Bela Crkva, Bor, Kragujevac, Niš, Prokuplje, Ruma, Surdulica, Vranje, and Zaječar, and, among other parties, specifically highlighted the involvement of the SNS local structures.

<sup>16</sup> See "Appeal of Independent Control Authorities to Political Parties in the Election Campaign" available at <http://www.ombudsman.rs/index.php/lang-sr/2011-12-25-10-17-15/2011-12-25-10-13-14/3212-2014-02-28-09-34-10>.

<sup>17</sup> The LFPA sets limits of 20 average monthly salaries for an individual (approx. EUR 7,600) and 200 average salaries for a legal entity (approx. EUR 76,000).

<sup>18</sup> According to paragraph 196 of the OSCE/ODIHR and CoE Venice Commission Guidelines on Political Party Regulation, "it is reasonable for a state to determine a maximum spending limit for parties in elections in order to achieve the legitimate aim of securing equality between candidates."

<sup>19</sup> Some EUR 1.4 million for these elections.

sanctions in 25 cases. A new Law on Misdemeanor Offences entered into force on 1 March 2014 with the aim to speed up adjudication of cases by the lower-level courts.

## Media

The media landscape is diverse and comprises a large number of public and private broadcast, print and digital outlets.<sup>20</sup> Pluralism of opinion and independence of journalists are, however, jeopardized by the influence exerted on media by political parties and the private sector. Political and economic pressures were perceived by interlocutors as the main reasons for the lack of critical reporting and a widespread phenomenon of self-censorship, both nationally and locally. According to the government-appointed Anti-Corruption Council (ACC), the lack of transparency of media ownership, previously highlighted by the OSCE/ODIHR,<sup>21</sup> remains unaddressed and prevents an effective check on media concentration.<sup>22</sup> Concerns were previously expressed by the OSCE Representative on Freedom of the Media (RFoM) about the involvement of the state in the media market.<sup>23</sup> These were echoed by multiple interlocutors, who pointed out that the lack of regulation and monitoring of state funding of media leaves room for discretionary funding of media outlets by parties in power, including at the local level.<sup>24</sup>

As approximately 85 per cent of people obtain information from television, it was by far the most influential media in the electoral campaign.<sup>25</sup> Tabloids also played an important role in the campaign, covering the election-related news mostly in a sensationalist tone. Additionally, several parties and candidates used social networks as a campaign tool. The legal framework, specifically the General Binding Instructions of the Republic Broadcasting Agency (RBA), provides for detailed regulations on the coverage of the campaign in the broadcast media.<sup>26</sup> Thus, in print and internet media, the tone of political debate tended to be sharper.

The OSCE/ODIHR LEOM media monitoring results showed that both public and private television stations offered extensive coverage of the elections in a variety of formats, such as news, current affairs programmes, talk shows, debates, interviews, and paid advertising.<sup>27</sup> The lack of critical and analytical reporting and the shortage of voter education content were, however, evident in the monitored broadcast and print media. Television stations focused on broadcasting blocks of campaign spots provided by the electoral contestants as part of their news programmes, which limited journalists' pro-active role in reporting on campaign matters. Analysis of the media campaign coverage from a gender perspective showed that women's visibility was limited both in broadcast and print media.<sup>28</sup>

<sup>20</sup> As of April 2013, there were 1,196 media outlets registered in Serbian Business Registry Agency.

<sup>21</sup> See Final Report of the 2012 OSCE/ODIHR LEOM, <http://www.osce.org/odihr/92509>.

<sup>22</sup> See: *Media Integrity Research: Serbia*, the South East European Media Observatory at: <http://mediaobservatory.net/>.

<sup>23</sup> See <http://www.osce.org/fom/93891>.

<sup>24</sup> According to the 2002 Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, OSCE RFoM, OAS Special Rapporteur on Freedom of Expression, "the abuse of public finances by governments and public institutions with the purpose of influencing the content of media is unacceptable."

<sup>25</sup> See the summary of the European Journalism Centre: [http://ejc.net/media\\_landscapes/serbia](http://ejc.net/media_landscapes/serbia).

<sup>26</sup> See [http://www.rra.org.rs/uploads/useruploads/PDF-VESTI/Opste\\_obavezujuce\\_uputstvo\\_izbori\\_e.pdf](http://www.rra.org.rs/uploads/useruploads/PDF-VESTI/Opste_obavezujuce_uputstvo_izbori_e.pdf). An additional instruction to enable viewers with hearing impairments to follow the electoral campaign was published by the RBA on 29 January.

<sup>27</sup> Monitored media comprised public service broadcasters Radio Television Serbia (RTS1) and Radio Television Vojvodina (RTV1), and privately owned TV PINK, TV B92 and TV PRVA, as well as newspapers *Politika*, *Blic*, *Večernje Novosti*, *Danas*, and *Kurir*.

<sup>28</sup> Overall, only 7 per cent of television coverage was devoted to women figures, while 75 per cent was allocated to men and 18 per cent to the parties and coalitions. Similarly, 7 per cent of press coverage was devoted to women figures, while 70 per cent was allocated to men and 22 per cent to parties and coalitions.

Several OSCE/ODIHR LEOM media interlocutors reported that state officials intensified their public activities during the campaign to increase their visibility in the media. In their political and election-related primetime news, monitored TV channels allocated 50 per cent of coverage to government figures, while political parties were covered considerably less (6 per cent to the DS, 5 per cent to the LDP and the DSS each, and 3 per cent to the SNS). The distinction between coverage of state officials in their institutional roles and their election-related appearances within the news programmes was often not clear.

Monitored newspapers dedicated 37 per cent of their news and editorial coverage to state officials, 14 per cent to the DS, 6 per cent to the LDP and the SNS each, and 5 per cent to the NDS. While the analysis of the press indicated some negative tone, especially in *Kurir* and *Danas*, the tone of the television coverage was mostly neutral.

### Complaints and Appeals

The electoral dispute resolution mechanism is clear and generally complies with the OSCE commitments and Council of Europe Venice Commission's good practice.<sup>29</sup> The right to redress is granted to voters, candidates and electoral contestants with the the REC, the Administrative Court, and relevant lower-level courts being the key bodies involved. Complaints against decisions, acts or omissions of PBs should be filed with the REC within 24 hours of the irregularity having occurred. The REC has a deadline of 48 hours for its decisions. Appeals against REC decisions can be filed before the Administrative Court, which also has a 48-hour deadline for its decisions that are final. The Criminal Code and the LER determine the violations of electoral rights that are prosecuted through the standard criminal or misdemeanor procedures in lower-level courts and can be sanctioned with fines and up to five-year jail sentences. These include obstruction of voter and candidate registration and bribery, among others. While OSCE/ODIHR LEOM interlocutors did not express any specific concerns regarding the electoral dispute resolution system, most of them voiced general mistrust towards independence and efficiency of the judiciary.

Few complaints were submitted before the election day. Four complaints on candidate list registration were filed with the REC,<sup>30</sup> who rejected all of them as ungrounded. Following appeals, the Administrative Court upheld the REC decisions in all four cases. No complaints over voter registration were lodged and no cases of the violation of electoral rights were brought before the relevant courts. On 14 March, the REC rejected two complaints from parties on jurisdictional grounds; they alleged that public campaign funds had not been released in time by the Ministry of Finance.

As in previous elections, the parliament did not appoint the Supervisory Board that, in accordance with the LER, should be in charge of monitoring and overseeing campaign activities of parties, candidates and media. In absence of this body, the RBA took up the responsibility of monitoring whether media provided a level playing field to all electoral contestants. The RBA communicated with the public through official releases and statements published on its webpage, but several media interlocutors expressed doubts about its immunity from political pressures. The criteria the RBA used to decide on some of the 23 complaints filed by several electoral contestants were not always clear to the OSCE/ODIHR LEOM.<sup>31</sup> The REC informed the OSCE/ODIHR LEOM that it would

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<sup>29</sup> Paragraph 10 of 1990 OSCE Copenhagen Document provides that “everyone will have an effective means of redress against administrative decisions.” See also Paragraph 3.3.b of the 2002 Venice Commission Code of Good Practice in Electoral Matters, which states that the electoral dispute resolution system “must be simple and devoid of formalism, in particular concerning the admissibility of appeals.”

<sup>30</sup> OSCE/ODIHR LEOM considered the complaints pertinent to the early parliamentary elections only.

<sup>31</sup> In 20 cases the RBA ruled in favour of the complainants, and on two occasions warned the broadcasters that they were obliged to guarantee equal representation of all electoral contestants in their programming, in

have not admitted any complaints related to campaign activities of electoral contestants, as they would fall under the responsibility of the Supervisory Board, in line with the 2006 Supreme Court decision; no such complaints were filed.

### **Participation of National Minorities**

According to the 2011 census, there are more than 20 ethnic minorities in Serbia. The largest are: Hungarians (3.53 per cent), Roma (2.05 per cent) and Bosniaks (2.02 per cent). As the Albanian minority boycotted the 2011 census, the data does not reflect their actual numbers. All other ethnic minorities represent less than 1 per cent of the population each.<sup>32</sup>

The Law on Political Parties contains provisions promoting participation of national minorities in public life. Whereas 10,000 signatures are required to register a political party, a national minority can register one with the support of 1,000 signatures. Still, the national minority parties needed to comply with the same requirements as other parties to register a candidate list, in particular to present at least 10,000 supporting signatures. Some OSCE/ODIHR LEOM interlocutors commented that the legislation leads to an excessive fragmentation of national minorities' representation, with few parties being able to garner the support needed to run in the elections. In line with previous OSCE/ODIHR recommendations, the REC introduced some safeguards to prevent the abuse of the affirmative measures by political entities that do not represent national minorities, requiring, in particular, that a national minority list submit its programme, statute, and actions undertaken to represent and promote the interest of a respective national minority.

Five national minority parties registered their electoral lists independently,<sup>33</sup> and two coalitions comprised national minority parties only. Some national minority parties decided to run jointly with national parties and coalitions.<sup>34</sup> The ethnic-Albanian PDD decided to contest the elections, whereas the remaining five ethnic-Albanian parties chose to boycott them. The Democratic Left of Roma ran in coalition with Boris Tadić – New Democratic Party – Greens, but the overall political participation of Roma remained passive due to limited human and financial resources.

### **Citizen and International Observers**

Despite previous OSCE/ODIHR recommendations, the law still contains no explicit provisions for citizen or international election observation<sup>35</sup> and the issue is regulated by the REC instructions. The legislation does not provide for political party observers as it allows every registered political entity to nominate an extended member and a deputy to the REC and to each PB. The Center for Free Elections and Democracy (CeSID), with 550 observers accredited by the REC, and the Center for Society Orientation were the two citizen observer organizations. The REC has also accredited 179 international observers.

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accordance with the law. In the two out of three remaining cases, the complaints were rejected without substantial explanation.

<sup>32</sup> See the 2011 census results at [http://popis2011.stat.rs/?page\\_id=2134&lang=en](http://popis2011.stat.rs/?page_id=2134&lang=en).

<sup>33</sup> The Alliance of Vojvodina Hungarians SVM, the Party of Democratic Action of Sandžak (SDA-Sandžak), the Montenegro Party – Josip Broz (CS – Josip Broz) and the Party for Democratic Action (PDD).

<sup>34</sup> For example, the Bosniak Democratic Union of Sandžak (BDZ- Sandžak) runs with the LDP-led coalition of Čedomir Jovanović; the Association of Croats in Vojvodina (ACV) with the Coalition “With the Democratic Party for Democratic Serbia”; the “Together for Vojvodina” (ZZV) and the Democratic Left of Roma in coalition with Boris Tadić – New Democratic Party – Greens.

<sup>35</sup> CoE/Venice Commission Code of Good Practice in Electoral Matters CDL-AD (2002) II. 3.2.; Paragraph 8 of the Copenhagen Document, Conference on the Human Dimension of the CSE (1990); OSCE/ODIHR and Council of Europe Venice Commission Joint Opinion CDL-AD(2006)013, Paragraph 28.

## Election Day

Election day procedures were generally conducted in an organized and transparent manner. In the limited number of polling stations visited by international observers, PB members presented solid knowledge of the voting procedures. The design of the voting screens, combined with the layout of the PSs did not always ensure the secrecy of vote. Cyrillic transcription of names made it difficult to identify voters from national minorities on the voter lists in some areas. Some voting premises were inadequately small, which, combined with the large number of PB staff, caused overcrowding. It was noted that a number of voters had not received information on the place of voting and had problems identifying their respective polling stations on election day. A few PSs opened with delays, and one PS did not open due to discrepancies in the number of ballots. Counting at PSs and tabulation in the WBs visited by observers were carried out in an orderly manner.

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

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### MISSION INFORMATION & ACKNOWLEDGEMENTS

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Belgrade, 17 March 2014 – The OSCE/ODIHR LEOM opened in Belgrade on 13 February. It includes 11 experts in the capital and 12 long-term observers deployed throughout Serbia.

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 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, 90 observers were deployed, including 47 parliamentary observers from the OSCE PA, 15 from the PACE, and 28 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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