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Observation of the early parliamentary elections in Serbia (24 April 2016)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Mr Volodymyr ARIEV, Ukraine, Group of the European People's Party

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1. Introduction

1. The Bureau of the Parliamentary Assembly, at its meeting on 29 January 2016, decided to observe the early parliamentary elections in Serbia, subject to the receipt of an invitation, and to constitute an ad hoc committee composed of 20 members and the two co-rapporteurs of the Monitoring Committee. The Bureau also authorised a pre-electoral mission. At its meeting on 3 March, the Bureau approved the composition of the ad hoc committee and appointed Mr Volodymyr Ariev (Ukraine, EPP/CD) as Chairperson (see Appendix 1). On 7 March, Ms Maja Gujković, President of the Parliament of Serbia, invited the Parliamentary Assembly to observe the early parliamentary elections.

2. Under the terms of Article 15 of the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, "[w]hen the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser". In accordance with this provision, the Bureau of the Assembly invited an expert from the Venice Commission to join the ad hoc committee as an advisor.

3. The pre-electoral delegation went to Serbia from 3 to 6 April 2016 to evaluate the state of preparations and the political climate in the run-up to the early parliamentary elections on 24 April 2016. The multiparty delegation was composed of Volodymyr Ariev (Ukraine, EPP/CD), head of delegation, René Rouquet (France, SOC), Andrea Rigoni (Italy, ALDE) and Matjaz Hanzek (Slovenia, UEL). Unfortunately, one of the members of the pre-electoral delegation and the two co-rapporteurs responsible for the monitoring of Serbia were unable to take part in the visit.

4. During its visit to Serbia, the pre-electoral delegation met Mr Aleksandar Vučić, Prime Minister; Maja Gojković, the Speaker of the National Assembly of the Republic of Serbia; Aleksandar Nikolić, State Secretary, Ministry of the Interior; members of the Serbian delegation to the Parliamentary Assembly of the Council of Europe (PACE); members of the Council of the Republic's Broadcasting Agency; members of the Anti-Corruption Agency (ACA); members of the Republic Electoral Commission (REC) and the leaders and representatives of the main parliamentary caucuses. Meetings were also organised with representatives of the diplomatic corps, of international organisations and missions, of civil society and of the media.

5. In a statement issued at the end of the visit, the Assembly pre-electoral delegation noted with satisfaction that the election campaign was calm and mostly peaceful, and that all political contestants could campaign freely without restriction. Nevertheless, the delegation was informed about isolated cases of violence against representatives of opposition parties and misuse of administrative resources. The REC was working in a transparent and efficient manner and political contestants had confidence in its impartial and neutral work. The registration of candidates was inclusive and no concerns were reported regarding the accuracy of the voter lists. As for financing of the election campaign, the delegation recalled that both the Assembly, in its different resolutions, and the Venice Commission in its opinions, had frequently stressed the need for more robust legal mechanisms to increase the transparency of political party funding, and the accountability of political parties, as well as the financing of election campaigns.

6. The PACE ad hoc committee for the observation of the early parliamentary elections met in Belgrade from 22 to 25 April 2016. In particular, it met leaders and representatives of the lists of main entities and political parties contesting the election, the head of the Limited Election Observation Mission (LEOM) of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) and members of his core team, a member of the Republic Electoral Commission, representatives of international organisations and missions as well as representatives of civil society and the media. The programme of the ad hoc committee's meetings is set out in Appendix 2. The ad hoc committee wishes to thank the staff of the Council of Europe office in Belgrade, together with the LEOM of the OSCE/ ODIHR for their co-operation and assistance.

7. The ad hoc committee operated in the framework of an International Election Observation Mission (IEOM) alongside the LEOM of the OSCE/ODIHR.

8. On the day of the ballot, the ad hoc committee split into 12 teams which observed the elections in Belgrade and its outskirts, as well as in the following regions and municipalities: Novi Sad, Novi Pazar, Subotica, Vojvodina, Pancevo, Smederevo, Obrenovac, Niš and Vranje.

9. The ad hoc committee concluded that the early parliamentary elections held in Serbia on 24 April 2016 offered voters a variety of choices and fundamental freedoms were respected and the election administration performed its duties efficiently and generally enjoyed the trust of electoral stakeholders. The head of the PACE delegation pointed out that on election day "the citizens of Serbia made their choice freely from among a large number of political parties. Election day was calm and very well organised. Elections are not limited to election day and, with regard to the election campaign, contestants campaigned openly, but we have some concerns: first, the abuse by incumbents of the administrative advantages of office; second, media coverage favourable to the ruling parties, despite an open media environment; third, the lack of full transparency in party and campaign funding. Serbia needs to improve its electoral legal framework, in close co-operation with the Council of Europe's Venice Commission". The statement published after the elections is reproduced in Appendix 3.

2. Legal framework

10. The conduct of the parliamentary elections is regulated by the Constitution of Serbia of 2006; by the Law on the Election of representatives (last amended in 2011); the Law on the Unified Voters' register; the Law on Political Parties; the Law on the Financing of Political Activities (last amended in October 2014) and the Laws on Electronic Media and on Public Information and Media. The legal framework is supplemented by the Rules of Procedure adopted by the REC in January 2012 as well as the Rules of Procedure of the National Assembly adopted in July 2010.

11. The Election legislation was considerably amended in 2011, in particular following the recommendations formulated by the Venice Commission and the OSCE/ODIHR in the Joint Opinion of March 2011.[1] It provides a sound basis for the conduct of democratic elections if applied in good faith.

1. Document CDL-AD(2011)005.

12. The financing of election campaigns is regulated by the Law on the Financing of Political Activities. In 2014, the Law was amended reducing public funding for regular party activities and election campaigning. Public funding for campaigning is the equivalent of €4.7 million. The amended Law sets limits with regard to the maximum value of private donations (20 average monthly salaries for annual individual donations to parties, which represent around €7 200, and 200 average monthly salaries for legal entities, which represents around €72 200).

13. The Law also prohibits the collection of funds for a political entity (Article 13). In 2014, the Venice Commission and the OSCE/ODIHR issued a Joint Opinion on the amendments to the Law on the Financing of Political Activities which were then passed by the National Assembly in November 2014. Four key recommendations were formulated in the 2014 joint opinion:

– to include provisions and guidelines in the Law on the autonomous mandate of the Anti-Corruption Agency, in particular on its competences to apply a range of measures against illegal behaviours, while adding provisions that ensure proportionate sanctions;

– to reconsider the level of public funding;

– to consider introducing an overall campaign expenditure limit and a party financing limit;

– to lower the limits on private funding for both private individuals and companies.

14. These recommendations have not yet been taken into account completely and the regulatory system does not ensure transparency and accountability of election campaign financing. The PACE pre-electoral delegation was informed by its interlocutors during its visit in Belgrade that there was misuse of administrative resources in favour of ruling parties, which can undermine the equal conditions for all contestants. According to the report on the preliminary findings and conclusions of the IEOM, out of 20 contestants, only five published information on donations on their websites, as it is required by the Law.[2]

15. The PACE observation delegation notes that this legal uncertainty leads to difficulties in the implementation and the effectiveness of the provisions of the Law on the Financing of Political Activities. In 2014, the Anti-Corruption Agency submitted 33 requests to misdemeanour courts concerning violations of the Law on the Financing of Political Activities. Concerning private funding, as underlined by the 2014 Joint Opinion, the Law causes serious concerns as to clarity and transparency of using private funds for various purposes as well as to using funds for regular work of the political entities for their elections campaigns.[3] This lack of transparency in the allocation of private financing was often criticised by different civil society interlocutors. In general, it seems that support of the business community goes in priority to the ruling majority, thus disadvantaging opposition parties. The limitation of campaign expenditure called for by the Venice Commission and the OSCE/ODIHR could reduce the risk of disproportionate levels of expenditure between the parties.

16. The PACE pre-electoral delegation recalled that both the Assembly, in its different resolutions, and the Venice Commission in its opinions, had frequently stressed the need for more robust legal mechanisms to increase the transparency of political party funding, and the accountability of political parties, as well as the financing of election campaigns. The PACE report on the early parliamentary elections of 24 March 2014 underlined that this new law constituted a positive step towards creating a completely modern system of financing for political activities in Serbia, on the condition that Serbia's Anti-Corruption Agency had the requisite human and financial resources to oversee their financing in a suitable and transparent fashion. Unfortunately, many key recommendations still remain unaddressed. The delegation hoped that the newly elected parliament would address these issues as a top priority.

17. The National Assembly of Serbia is composed of 250 members elected for four years in a single national constituency. Seats are allocated proportionally among the lists having gained at least 5% of the votes cast. The 5% rule does not apply to the parties of the national minorities. The introduction of a quota system in 2011 has improved the access of women to parliament. However, the leaders of the political parties still have some latitude, admittedly limited, after the change in the electoral legislation in 2011, concerning their lists of candidates, in so far as elected candidates can place their mandates at the disposal of their party. Moreover, a constitutional provision still allows an elected MP to "irrevocably put his/her mandate at the disposal of the respective political party".[4]

2. Statement of preliminary findings and conclusions of the IEOM, 25 April 2016, p. 8.
3. Document CDL-AD(2014)034; see in particular paragraphs 33-36.
4. Documents CDL-AD(2011)005 and CDL-AD(2011)006.

18. According to the 2011 census, there are 20 national and linguistic minorities in Serbia. The self-declaration made during the same census indicates that Serbs represent 83.3% of the population, the Hungarians – 3.53%, the Bosnians – 2.33% and the Roma – 2.05%. The Albanian minority boycotted the census. However, according to the report on preliminary findings and conclusions of the IEOM, a 2015 assessment in southern Serbia requested by the Serbian authorities showed an Albanian population of 47 938. The law on political parties stipulates that 1 000 members are needed to found a political party representing a national minority, whereas for an ordinary party there must be ten times more members.

19. The election legislation does not regulate the status of international and domestic observers. It accredited observers in its instructions, although these instructions are adopted for each election separately and do not provide lasting legal grounds for observation. For the 24 April 2016 early parliamentary elections, the REC accredited 196 international observers and 1 689 citizen observers in an inclusive process. The PACE delegation members noted that on election day there were few domestic observers in the polling stations visited.

3. Electoral administration, registration of the voter lists and candidates

20. The early parliamentary elections were administered by a two-tier system, comprising the Republic Electoral Commission (REC) and 8 378 polling boards (PBs) including 29 PBs in penitentiary institutions and 38 PBs established in 22 foreign countries. Despite recommendations by the Venice Commission and the OSCE/ODIHR, there is no intermediate level of election administration, that is to say at the regional level.[5]

21. The REC is a permanent body in charge of preparing and conducting elections. It is composed of 16 permanent members and their deputies, all (including the secretary of the commission and a representative of the Statistical Office of Serbia, both without the right to vote) are appointed for a renewable term of four years by the National Assembly. The permanent members represent parliamentary groups proportionally. The extended composition of the REC – during electoral periods – includes one representative appointed by each submitter of a candidate list. Such “extended” members have the same rights and duties as permanent members. The REC was composed of 75 members and deputies, including 20 women.

22. The polling boards are composed in the same manner as the REC, and have three permanent members and their deputies, as well as, in their extended composition, members and their deputies nominated by the electoral contestants and appointed by the REC. The polling boards shall be appointed at least ten days before election day.[6] On election day, the PACE observation delegation members noted the presence of a huge number of PBs members in very small premises without the PB members being clearly identified; in some cases, such a situation could create confusion.

23. The REC sessions are open to accredited observers and media. Article 27.7 of the Rules of Procedure stipulates that all the acts and decisions of the REC have to be published on its website. This requirement was respected by the REC, it operated transparently and efficiently. The interlocutors of the PACE observation delegation, including political contestants, expressed their confidence in the REC’s impartial and neutral work.

24. The right to vote is granted to all citizens who reach 18 years of age by election day and have a permanent residence in Serbia. On 22 April, the REC published the voter lists: the total number of electors on the voter lists was 6 739 441. The number of voters per polling station should be no less than 100 and no more than 2 500. Multilingual ballots in both Latin and Cyrillic scripts were printed for the polling stations in areas with a significant presence of linguistic minorities. The Assembly observation delegation was informed by different interlocutors about a considerable number of voter invitations with wrong information and wrong addresses received by voters, which negatively affected public confidence in the accuracy of the voter lists. In this regard, the PACE delegation recalls that despite previous Venice Commission and OSCE/ODIHR recommendations, the voter lists were not displayed for public scrutiny. This lack of public scrutiny limited the transparency of the voter registration process.

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5. See OSCE/ODIHR, Limited Election Observation Mission (LEOM) Final Report www.osce.org/odihr/9250; See also the 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”.
6. Article 36.3, Law on the Election of Members of Parliament.

25. Candidate lists may be submitted by political parties, their coalitions or groups of citizens. Each proposed candidate list must be supported by at least 10 000 voters, each voter being able to support only one candidate list. National minorities' lists need to collect only 3 000 signatures. Despite previous recommendations by the OCSE/ODIHR and the Venice Commission, Serbian legislation still does not allow self-nomination by an individual independent candidate.[7]

26. For the 24 April 2016 early parliamentary elections, the REC registered candidate lists of eight parties, six coalitions of parties, and six groups of citizens in an inclusive manner. The PACE observation delegation was informed by the REC and different interlocutors about 15 000 falsified signatures to support some candidate lists. One list was rejected by the Administrative Court of Belgrade, six candidate lists were withdrawn and three others were rejected by the REC. The REC informed the observation delegation that a comprehensive review would be conducted after the elections and it reported to the police and the Prosecutor Office the possible forgery of a large number of supporting signatures. The delegation noted that the unclear rules for signature verification and the lack of transparency of this process, which had already been criticised by the Assembly in its election observation report in 2014, led to a perception of arbitrariness in candidate registration.

27. In Serbia, 64 of the 106 registered parties represent national minorities. For the early parliamentary elections, eight candidate lists were registered as national minority lists. According to a number of the Assembly observation delegation's interlocutors, some submitters of lists exploited the lack of clear criteria in the Law to apply for national minority status solely to obtain the related privileges. For example, two candidate lists were both registered as Bosniak, Hungarian and Russian minorities, as well as another list as Albanian and Slovak minorities.

28. The Law establishes a gender quota for candidate lists with at least every third candidate being from the less represented gender. While the contestants respected this requirement of the Law, only one candidate list was headed by a women candidate: Dveri – Democratic Party of Serbia.

29. As regards voting in Kosovo*,[8] the Parliamentary Assembly delegation was informed that an agreement had been reached between Belgrade and Pristina on also holding early parliamentary elections in Kosovo for Serbian citizens. The elections were organised with the assistance of the OSCE, as was the case in 2014, primarily due to security reasons, but also in order to facilitate the holding of the elections from a technical point of view.

4. Election campaign and media environment

30. On 4 March 2016, the President of Serbia, Tomislav Nikolić, accepted the government's request that the national Assembly be dissolved and signed the decree to hold early parliamentary elections on 24 April. The early parliamentary elections were the eleventh since the introduction of the multi-party system in Serbia in 1990; the majority of them were early elections. The Parliamentary Assembly has observed all parliamentary and presidential elections in Serbia since 2000.

31. Following the 2014 early parliamentary elections, the Serbian Progressive Party (SNS) and its coalition partners won an overall majority in the parliament: the official results were as follows: Serbian Progressive Party (Coalition "Aleksandar Vučić – Future we believe in") – 158 seats; Coalition of Socialist Party of Serbia – 44 seats; Democratic Party – 19 seats; Coalition of New Democratic Party – 18 seats; Hungarian Coalition of Vojvodina – 6 seats; Party of democratic action of Sandzak – 3 seats; Party of democratic action of Riza Halimi – 2 seats.

32. During its visit to Belgrade on 4 and 5 April, the PACE pre-electoral delegation was informed by leaders of the ruling coalition that the early parliamentary elections were necessary in order to provide wide support for reforms, to renew its mandate and to enable the country to be ready to join the European Union. According to the opposition parties and some interlocutors from civil society, the early elections had been timed conveniently for the ruling coalition in order to consolidate its power at all levels.

33. The pre-electoral delegation, in its pre-electoral statement, noted that the majority of elections in Serbia had been early elections. While legally the "culture" of early elections does not pose a problem, one can nevertheless question the impact of systematic early elections on the efficient functioning of the parliament according to the constitutional term of office, no matter which political forces are in power.

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7. CDL-AD (2009)039, paragraph 54.

8. * All reference to Kosovo in this document, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

34. The election campaign was dominated by the SNS-led coalition "Serbia wins", the other active contestants were the "Fair for Serbia" coalition led by the Democratic party (DS), the Socialist Party of Serbia (SPS) coalition, the Serbian Radical Party (SRS) and the "Alliance for a better Serbia" coalition which was composed by Liberal Democratic Party of Serbia (LDP), the Social Democratic Party and the League of Social Democrats of Vojvodina.

35. The delegation's interlocutors representing opposition parties complained that, due to limited financial resources, they could not conduct an active election campaign and their possibilities of campaign advertising in the electronic and print media were limited. In contrast, the observers noted that billboards and posters promoting SNS were most prevalent in cities and also in rural areas. The ruling coalition also enjoyed a dominant presence in electronic media advertising.

36. With regard to the place of money in politics, in the election process in particular, and in general, concerning the financing of the election campaign, the PACE pre-electoral delegation recalls the fact that both the Assembly, in its different resolutions, and the Venice Commission in its opinions, have frequently stressed the need for more robust legal mechanisms to guaranty equal conditions for all contestants, to increase the transparency of political party funding, and the accountability of political parties, as well as the financing of election campaigns.

37. The election campaign was calm and mostly peaceful, all political contestants could campaign freely without restriction. Nevertheless, there were isolated cases of violence against representatives of opposition parties. In this regard, the delegation condemned any cases of violence, even isolated ones, and was of the opinion that such cases must be condemned without ambiguity by all political forces. Some interlocutors of the delegation reported cases of misuse of administrative resources by the ruling coalition at official events, the inauguration of public institutions or the opening of private factories with the participation of foreign dignitaries.[9]

38. According to the report on the preliminary findings and conclusions of the IEOM, "Public media provided equal airtime to contestants to present their platforms, in compliance with legal obligations. However, the government and the ruling party activities dominated campaign coverage in the news and current affairs programmes. The analytical and critical reporting on the influential nationwide television channels was narrow, partly due to widespread self-censorship resulting from political control over the media sector. In the absence of an effective mechanism for monitoring media conduct during the campaign, media bias, instances of a smear campaign, and cases of infringement of media freedom were not addressed"[10].

5. Election day

39. Election day was calm and peaceful. The PACE observers visited a limited number of polling stations and noted that voting and counting operations were in general conducted in accordance with the law. The voting and counting process was transparent and the members of polling stations fully co-operated with international observers.

40. The members of the PACE ad hoc committee drew attention to a number of technical problems in the polling stations visited:

– a number of polling stations were late in opening;

– isolated cases of family voting in some polling stations, especially in Novi Pazar and Vranje;

– presence of a considerable number of people in the polling stations which were often far too small. The very open composition of the polling boards heightened the transparency and reliability of the electoral process but resulted in congestion of the premises, especially during the opening of the ballot boxes and the counting;

– polling boards members lacked clear identification;

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9. Hungary's Foreign Minister lent support to the SNS and the Alliance of Vojvodina Hungarians at a political rally in Pančevo on 5 April. The Hungarian Prime Minister joined Prime Minister Vučić at the opening of a private factory in Subotica on 13 April. The Deputy Speaker of the Russian State Duma was a guest at the SNS final convention in Belgrade on 21 April.

10. Statement of preliminary findings and conclusions of the IEOM, 25 April 2016, p. 2.

– the design of the polling booths – particularly the flimsiness of the partitions – was not sufficient to ensure the secrecy of the ballot. Nevertheless, no attempt to take advantage of this anomaly was mentioned. The same problem was already reported during the monitoring of the early elections in 2014;

– in general, the polling stations were not accessible to persons with disabilities. However, they could vote from home (mobile voting);

– ballot boxes were not properly sealed in some polling stations visited;

– isolated cases of non-compliance with the counting procedures in certain polling stations were observed, mainly in rural localities, but no attempt to take advantage of this anomaly was mentioned;

– cases of intimidating presence of SNS representatives in and around some of the polling stations;

– very limited cases of presence of citizen's observers.

41. On 25 April, the Republic Electoral Commission announced the results of the early parliamentary elections. The parties and coalitions obtained the following results: the Serbian Progressive Party (SNS)-led coalition – 48.25%; the Socialist Party of Serbia (SPS)-led coalition – 10,95%; the Serbian Radical Party (SRS) – 8.1%; the coalition led by the Democratic party (DS) – 6.02%; the Movement "Enough is Enough" – 6.02%; the coalition of the Liberal Democratic Party of Serbia (LDP), the Social Democratic Party and the League of Social Democrats of Vojvodina – 5.02%. The coalition of the Democratic Party of Serbia obtained 4.99% and did not pass the threshold of 5%. The following candidate lists obtained seats under a special procedure for national minorities: the Alliance of Vojvodina Hungarians (VMSZ) – 4 seats; the Bosniak Democratic Community (BDZ) – 2 seats; the Party of Democratic Action of Sandzak (SDA) – 1 seat; the Bosniak Party – 1 seat; the Party of Democratic Action – 1 seat; and the Green party – 1 seat. The turnout was 56.07%. The turnout in Kosovo was 44.72%, which is 30% more than in the previous early parliamentary elections in 2014. On 27 April, the Republic Election Commission announced that some irregularities were identified in 15 polling stations with about 19 631 voters and at these polling stations repeated elections will be organised on 4 May. The figure of 19 631 voters represents only around 0.3% of the total number of voters. Nevertheless, the repeated voting in 15 polling stations may affect the final results for the coalition list of the Democratic Party of Serbia which is close to the threshold of 5%. On 5 May, the Republic Electoral Commission, after the repeat elections, announced the final results of the elections: the coalition of the Democratic Party of Serbia obtained 5,04% and passed the threshold of 5%. According to the final results of the elections, the SNS coalition obtained 131 seats; the coalition of SPS – 29 seats; the SRS – 22 seats; the coalition DS – 16 seats; the Movement "Enough is Enough" – 16 seats; the coalition LDP – 13 seats; and the coalition of the Democratic Party of Serbia – 13 seats. The national minorities' parties obtained: the Alliance of Vojvodina Hungarians (VMSZ) – 4 seats; the Bosniak Democratic Community (BDZ) – 2 seats; the Party of Democratic Action of Sandzak (SDA) – 1 seat; the Bosniak Party – 1 seat; the Party of Democratic Action – 1 seat; and the Green party – 1 seat.

6. Conclusions and recommendations

42. The Assembly's ad hoc committee concluded that the early parliamentary elections held in Serbia on 24 April 2016 offered voters a variety of choices and fundamental freedoms were respected, and that the election administration performed its duties efficiently and generally enjoyed the trust of the electoral stakeholders. On election day, the citizens of Serbia made their choice freely from among a large number of political parties.

43. The PACE observation delegation stressed also that elections are not limited to election day and, with regard to the election campaign, while the contestants could campaign openly and without restriction, there were nevertheless some concerns: abuse by incumbents of the administrative advantages of office; cases of pressure on voters and intimidation, particularly those employed in the public sector; media coverage favourable to the ruling parties, despite an open media environment; the lack of full transparency in party and campaign funding.

44. The Parliamentary Assembly has observed all parliamentary and presidential elections in Serbia since 2000 and it notes that the majority of elections have been early elections. In this regard, the Assembly delegation is convinced that while legally the "culture" of early elections does not pose a problem, one can nevertheless question the impact of systematic early elections on the efficient functioning of the parliament according to the constitutional term of office, no matter which political forces are in power.

45. The delegation pointed out that the registration procedure for the candidate lists was in general managed in an inclusive manner. Nevertheless, the Assembly's observation delegation was informed about cases of around 15 000 falsified signatures to support some candidate lists. The REC informed the observation delegation that a comprehensive review would be conducted after the elections and it had reported to the police and the Prosecutor's Office the possible forgery of a large number of supporting signatures. The PACE delegation considers that the unclear rules for signature verification and the lack of transparency of this process, which was already criticised by the Assembly in its election observation report in 2014, had led to a perception of arbitrariness in candidate registration.

46. The PACE observation delegation, as well as the OSCE/ODIHR limited election observation mission, identified a number of irregularities and shortcomings during the whole electoral process of the early parliamentary elections, including during counting. Serbia therefore needs to improve its electoral legal framework, as well as certain electoral practices, taking into consideration the lessons of the elections, in order to increase the citizens' confidence in democratic elections. This work should be accomplished in close co-operation with the Venice Commission.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

– Volodymyr ARIEV (Ukraine, EPP/CD), Chairperson of the ad hoc committee

– **Group of the European People's Party (EPP/CD)**
  - Volodymyr ARIEV* (Ukraine)
  - Viorel BADEA, Romania
  - Mónika BARTOS, Hungary
  - Nicole DURANTON, France
  - Samvel FARMANYAN, Armenia
  - Egidijus VAREIKIS, Lithuania

– **Socialist Group (SOC)**
  - George FOULKES, United Kingdom
  - Pierre-Alain FRIDEZ, Switzerland
  - Snežana JONICA, Montenegro
  - Marit MAIJ, Netherlands
  - René ROUQUET*, France
  - Stefan SCHENNACH, Austria
  - Predrag SEKULIĆ, Montenegro

– **Alliance of Liberals and Democrats for Europe (ALDE)**
  - Alfred HEER, Switzerland
  - Carles JORDANA MADERO, Andorra
  - Andrea RIGONI*, Italy

– **European Conservatives Group (EC)**
  - Nigel EVANS, United Kingdom

– **Group of the Unified European Left (UEL)**
  - Matjaž HANŽEC*, Slovenia

– **Venice Commission**
  - Richard BARETT, Ireland

– **Secretariat**
  - Chemavon CHAHBAZIAN, Head of Secretariat, Election Observation and Interparliamentary Co-operation Division
  - Franck DAESCHLER, Principal Administrative Assistant, Election Observation and Interparliamentary Co-operation Division,
  - Danièle GASTL, Assistant, Election Observation and Interparliamentary Co-operation Division,
  - Gael MARTIN-MICALLEF, Administrator, Venice Commission

* members of the pre-electoral mission

Appendix 2 – Programme of the observation of the early parliamentary elections

Friday, 22 April 2016

09.00-09.45 Opening by Mr Volodymyr Ariev, Head of Delegation
- Information by the Secretariat
- Ms Nadia Ćuk, Deputy Head of the Council of Europe Office in Belgrade
- Briefing by the Venice Commission on the legal framework

09.45-10.15 Interventions by Heads of international offices in Serbia
- Ambassador Peter Burkhard, Head of the OSCE Mission to Serbia
- Ambassador Michael Davenport, Head of the Delegation of the European Union

10.15-11.15 Briefing by the OSCE/ODIHR Limited Election Observation Mission (LEOM) to Serbia:
- Introduction and Overview of Findings to Date – Ambassador Geert-Hinrich Ahrens, Head of Mission
- Political Overview and the Campaign Environment – Mr Christopher Spence, Political Analyst
- Legal Framework, Campaign Finance and Complaints – Ms Elissavet Karagiannidou, Legal Analyst
- Media Environment and Media Monitoring Findings – Mr Marek Mračka, Media Analyst
- Election Administration, Candidate and Voter Registration – Ms Svetlana Chetaikina, Election Analyst

11.15-12.00 Meeting with representatives of civil society:
- Mr Ivo Čolović, Project Coordinator – Center for Free Elections and Democracy (CeSID)
- Mr Milan Antonijević, Director – Lawyers' Committee for Human Rights (YUCOM)
- Mr Raša Nedeljkov, Programme Manager – Centre for Research, Transparency and Accountability (CRTA)
- Mr Nemanja Nenadić, Programme Director – Transparency Serbia

12.00-12.45 Meeting with representatives of the media:
- Ms Ljiljana Smajlović, President – Journalists' Association of Serbia (UNS) / Editor-in-Chief – *Politika Daily*
- Mr Bojan Brkić, Deputy Editor-In-Chief of News, Radio Television of Serbia (RTS)
- Ms Tanja Maksić, Project Coordinator, Researcher – Balkan Investigative Reporting Network (BIRN)

14.30-18.00 Meetings with the leaders and representatives of caucuses in the National Assembly of the Republic of Serbia:
- Serbian Progressive Party (SNS) – Mr Nebojša Stefanović, Vice-President
- Social Democratic Party of Serbia (SDPS) – Mr Milorad Mijatović, Vice-President
- Party of United Pensioners of Serbia (PUPS) – Mr Milan Krkobabić, President
- Serbian Renewal Movement (SPO) – Mr Avro Osmajlić, President of Executive Board
- Socialist Party of Serbia (SPS) – Mr Žarko Obradović, Vice-President
- Democratic Party (DS) – Mr Bojan Pajtić, President
- Together for Serbia: Social Democratic Party (SDS) – Mr Nenad Konstantinović, Vice-President;
- Liberal Democratic Party (LDP)
- League of Social Democrats of Vojvodina (LSV) – Mr Aleksandar Jovanović, Vice-President
- Alliance of Vojvodina Hungarians (SVM) – Ms Elvira Kovač, Vice-President
- Party of Democratic Action of Sandžak (SDA) – M Sulejman Ugljanin, President

18.00-18.30	Meeting with the Republic Electoral Commission (REC) – Mr Ivan Šebek, Deputy Chairperson
18.30-19.00	Briefing by the OSCE/ODIHR LEOM on polling procedures and election day observation: – Ms Svetlana Chetaikina, Election Analyst, and Ms Pascale Roussy, Deputy Head of Mission
19.00-19.30	Meeting with drivers and interpreters

Saturday, 23 April 2016

10.00-11.30	Regional deployment
12.00-14.00	Meeting with heads of delegations

Sunday, 24 April 2016

06.30-07.30	Observation of the opening of polling stations (08.00)
08.00-20.00	Observation of the elections
20.00	Observation of the closing of the polling stations, counting and presentation of results

Monday, 25 April 2016

8.30-09.30	Debriefing by the members of the ad hoc committee
9.45-11.00	Meeting of heads of delegations
12.00-13.00	Preparation of the press conference
14.00	Press conference

Appendix 3 – Statement by the International Election Observation Mission (IEOM)

Serbia elections offered voters variety of choices and respected fundamental freedoms, but playing field was not level, international observers say

Strasbourg, 25 April 2016 – The 24 April early parliamentary elections in Serbia offered voters a variety of choices and fundamental freedoms were respected, although there was biased media coverage, an undue advantage for incumbents and a blurring of the distinction between State and party activities, the international observers concluded in a preliminary statement released today. The election administration performed its duties efficiently and generally enjoyed the trust of electoral stakeholders, they said.

“Yesterday, the citizens of Serbia made their choice freely from among a large number of political parties. Election day was calm and very well organized. Elections are not limited to election day and, with regard to the election campaign, contestants campaigned openly, but we have some concerns: first, the abuse by incumbents of the administrative advantages of office; second, media coverage favourable to the ruling parties, despite an open media environment; third, the lack of full transparency in party and campaign funding,” said Volodymyr Ariev, Head of the PACE delegation. “Serbia needs to improve its electoral legal framework, in close co-operation with Council of Europe’s Venice Commission, by implementing the recommendations in its legal opinions.”

Fundamental freedoms were respected and candidates were able to campaign freely, but the ruling Serbian Progressive Party and, to a lesser extent, the Socialist Party of Serbia took undue advantage of incumbency, the statement said. There were widespread reports of the ruling parties exerting pressure on voters, and public employees in particular, and enticing voters through welfare initiatives.

Overall, the legislation provides a sound basis for the conduct of democratic elections in line with OSCE commitments and other international obligations and standards. However, a number of previous recommendations by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe’s Venice Commission remain unaddressed. Key shortcomings include insufficient rules on candidate registration, ineffective measures to prevent the misuse of State resources for campaigning, inadequate regulation of campaign finance, deficiencies in dispute resolution, the absence of penalties for certain violations, and a lack of provisions for election observation, the observers said.

“Our assessment, based on our observation over the past six weeks, is not only black-and-white. While there are positive elements, there are also shortcomings,” said Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR long-term election observation mission. “I hope that the relevant authorities will take into consideration the message in today’s statement, as well as the subsequent recommendations in the OSCE/ ODIHR final report, which will be published in about eight weeks’ time, and engage in substantive follow-up to these recommendations.”

Twenty candidate lists nominated by political parties, coalitions of parties and groups of citizens were registered, providing voters with a range of political choices. Some of those submitting lists exploited the lack of clear criteria in the law and applied for national minority status solely to obtain the related privileges. Insufficient transparency in the candidate registration process created the perception of arbitrariness.

Public media provided equal airtime, in compliance with legal obligations, allowing contestants to present their platforms. However, government and ruling party activities dominated campaign coverage in the news and on current affairs programmes, the statement says. Analytical reporting on the main nationwide television channels was narrow, partly due to widespread self-censorship resulting from political control over the media sector.

The Republic Electoral Commission met all legal deadlines and operated in an efficient and transparent manner. It adopted detailed instructions for these elections, including guidelines for polling boards, and most stakeholders with whom the international observers met expressed trust in the Commission’s work, the observers said. There was less public confidence in the accuracy of voter’s lists, due to a lack of transparency in the voter registration process. Although voters could review their data and request corrections, the voter lists were not displayed for public scrutiny.

Amendments to the Law on Financing Political Activities introduced in 2014 reduced public funding for regular party activities and campaigning, in line with an OSCE/ODIHR and Council of Europe Venice Commission recommendation. Overall, the regulatory system does not ensure transparency, integrity and accountability of campaign finances. The significant financial resources of the ruling parties in comparison to those of other contestants undermined the equality of opportunity.