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# Observation of the presidential election in Serbia (2 April 2017)

**Election observation report**
Bureau of the Assembly
Rapporteur: Ms Ingebjørg GODSKESEN, Norway, European Conservatives Group

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## 1. Introduction

1. The Bureau of the Parliamentary Assembly, at its meeting on 23 January 2017, decided to observe the presidential election 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. At its meeting on 27 January, the Bureau approved the composition of the ad hoc committee and appointed Ms Ingebjørg Godskesen (Norway, EC) as Chairperson (see Appendix 1). On 7 March, Ms Maja Gujković, President of the Parliament of Serbia, invited the Parliamentary Assembly to observe the presidential election.

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 Parliamentary Assembly was the only European parliamentary organisation, among its usual partner organisations in the framework of the International Election Observation Mission (IEOM), to observe the presidential election. The Assembly observation delegation met in Belgrade from 31 March to 3 April 2017. In particular, it met presidential candidates and their representatives, the Head of the Election Assessment Mission (EAM) 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, members 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 for their efficient co-operation and assistance.

4. On the day of the ballot, the ad hoc committee split into seven teams which observed the elections in a limited number of polling stations in Belgrade and the surrounding areas as well as in Novi Sad, Užice, Kragujevac, Kraljevo, Valjevo, Požarevac and Pančevo.

5. The ad hoc committee concluded that the voting day was calm, well organised and that voters could make their choice freely, even though some procedural shortcomings were observed. During the election campaign, all presidential candidates could campaign freely without significant restrictions. Nevertheless, the election campaign was characterised by unprecedented unequal media coverage of the election campaign in favour of the candidate from the ruling coalition, although the legislation provides for equal media access for all presidential candidates. The ruling coalition candidate benefited from his position as Prime Minister during the election campaign, which led to an unlevel playing field vis-à-vis his competitors. The statement published after the election is reproduced in Appendix 3.

## 2. Legal framework and political context

6. The legal framework is composed of the Constitution of Serbia of 2006, the Law on the Election of the President of the Republic, 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. In general, the legal framework provides a generally sound basis for the conduct of democratic elections.

7. The election legislation was considerably amended in 2011, largely following the recommendations formulated by the Venice Commission and the OSCE/ODIHR in the Joint Opinion of March 2011.[1] However, the key recommendations of the Joint Opinion of 2014 concerning the Law on the Financing of Political Activities[2] remained for the most part unaddressed.

8. According to the law, election campaigns are financed from public funds and by parties, candidates themselves and private donations. Funding from foreign, State, public and anonymous sources is prohibited. An individual may donate annually up to a total of 20 average monthly salaries, whereas a legal entity may donate up to 200 monthly salaries. This limit is doubled in an election year.

9. 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 was 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.

10. During its meetings in Belgrade on 31 March 2017, different interlocutors informed the Assembly's election observation delegation that these recommendations have not yet been taken into account completely and that the regulatory system does not ensure transparency and accountability of election campaign financing. The Parliamentary Assembly's observation delegation, in its report on observation of the early parliamentary elections in Serbia (24 April 2016), had pointed out that "the legal uncertainty leads to difficulties in the implementation and the effectiveness of the provisions of the Law on the Financing of Political Activities". It also pointed out that "the lack of transparency in the allocation of private financing was often criticised by different civil society interlocutors. In general, it seems that the 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".[3]

1. CDL-AD(2011)005.
2. CDL-AD(2014)034.
3. Doc. 14062.

11. The president is elected for a five-year term and can serve a maximum of two terms. A candidate must receive more than 50% of the votes cast to be elected in the first round. Otherwise, a second round is held within 15 days between the two candidates receiving the highest number of votes. The candidate who receives the most votes in the second round is elected.

12. Since 2000, the Parliamentary Assembly has observed all presidential and parliamentary elections in Serbia. After the last early parliamentary elections on 24 April 2016, the following parties and coalitions entered parliament: the coalition led by the Serbian Progressive Party (SNS) – 131 seats; the coalition led by the Socialist Party of Serbia (SPS) – 29 seats; the Serbian Radical Party (SRS) – 22 seats; the coalition led by the Democratic Party (DS) – 16 seats; the Movement "Enough is Enough" – 16 seats; the Democratic Party of Serbia – 13 seats; the coalition of the Liberal Democratic Party of Serbia (LDP); the Social Democratic Party and the League of Social Democrats of Vojvodina (LSV) – 13 seats.

13. After the early parliamentary elections in Serbia on 24 April 2016, the Assembly observation delegation had concluded that voters had been offered a variety of choices and that fundamental freedoms had been respected, allowing Serbian citizens to make their choice freely from among a large number of political parties. However, it had pinpointed some concerns, including "unclear rules for signature verification and the lack of transparency of this process" (already criticised by the Assembly in its election observation report in 2014), "the 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; [and] and the lack of full transparency in party and campaign funding". It also noted 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".[4]

14. Following the early parliamentary elections, just before the expiration of the legal deadline, in August 2016, the new Government of the Republic of Serbia was formed led by Aleksandar Vučić.

15. On 2 March 2017, the President of the Parliament announced that the presidential election would be held on 2 April 2017. For many interlocutors of the Assembly's observation delegation the election campaign for the presidential election was short. The calling of the election was preceded by long discussions on who would be the presidential candidate of the ruling Serbian Progressive Party. The incumbent President, Tomislav Nikolić, declared that he would not seek re-election despite being eligible. The Prime Minister, Aleksandar Vučić, decided to run for the presidency even though he had previously declared that he did not intend to be a candidate. The candidacy of the Prime Minister was supported by the Serbian Progressive Party and other members of the ruling coalition.

16. The fact that the presidential candidate Aleksandar Vučić held the position of Prime Minister was not a violation of the law; nevertheless, in this regard, many presidential candidates and other interlocutors of the Assembly observation delegation expressed their concern. The Assembly delegation, in its statement at the end of the mission, declared that "the ruling coalition candidate benefited from his position as Prime Minister during the election campaign, which led to an unlevel playing field vis-à-vis his competitors. In addition, many interlocutors expressed concern regarding the misuse of administrative resources during the election campaign".

17. Some prospective opposition candidates announced their candidatures even before the elections were called. Several political parties called for a single opposition presidential candidate, but the opposition was not able to achieve consensus on a joint candidate.

### 3. Election administration, voters lists and registration of presidential candidates

18. The presidential election was administered by a two-tier system, comprising the Republic Election Commission (REC) and 8 396 polling stations. According to the REC, 53 polling stations were opened abroad and 90 polling stations in Kosovo*.[5] 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.[6]

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4. Ibid.
5. * 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.
6. 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".

19. The REC is a permanent body in charge of preparing and conducting elections with permanent members (including the secretary of the Commission and a representative of the Statistical Office of Serbia, both without the right to vote) who are appointed for a renewable term of four years by the National Assembly. The permanent members (apart the representative of the Statistical Office) represent parliamentary groups proportionally. The extended composition of the REC – during electoral periods – includes one representative appointed by each electoral contestant. Such "extended" members have the same rights and duties as permanent members. The Assembly's observation delegation considers that this composition of the REC leads to an excessive politicisation of the electoral administration to the detriment of its neutrality.

20. The polling stations 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. In its previous observation reports, the Assembly remarked on the presence of considerable number of people without clear identification in cramped polling stations. For the 2 April 2017 presidential election this problem was resolved and each member was wearing a badge with a clear identification.

21. According to many interlocutors of the Assembly's observation delegation, the Republic Electoral Commission in general worked in a transparent and efficient manner; political contestants had, in general, confidence in its work.

22. A presidential candidate may be nominated by a political party, a coalition of political parties or a group of citizens. Candidates have to collect at least 10 000 signatures of voters supporting their candidacy.[7] Self-nominated candidates are not permitted. Candidate registration begins when the election is called and lasts until 20 days prior to election day, potentially leaving only ten days for registration. The REC publishes in the Official Gazette the list of candidates not later than 15 days before election day.[8]

23. The registration of all presidential candidates was conducted in an "inclusive process". The REC informed the Assembly observation delegation that one person was refused registration because of a lack of supporting signatures and other relevant documents. Eleven candidates were registered for participation in the first round of the election: Aleksandar Vučić (Serbian Progressive Party – SNS); Miroslav Parović (People's Freedom Movement); Saša Radulović (Enough is enough – DJB); Boško Obradović (Dveri); Vuk Jeremić, independent candidate (supported by: New Serbia, Together for Serbia, Social Democratic Party, People's Movement of Serbia); Vojislav Šešelj (Serbian Radical Party – SRS); Aleksandar Popović (Democratic Party of Serbia); Luka Maksimović – independent candidate, "Ljubisa Preletacevic Beli, Beli – Samo jako"; Milan Stamatović, independent candidate, "For Healthier Serbia – Milan Stamatović"; Saša Janković – independent candidate (supported by Democratic Party, New Party, Social Democratic Union and several civic movements) and Nenad Čanak (League of Social democrats of Vojvodina (LSV). The Assembly observation delegation invited all 11 candidates to meet with the delegation, but only five candidates and/or their representatives were available to meet the delegation.

24. The Assembly's observation delegation noted with satisfaction that, contrary to previous elections, no major concerns were communicated concerning candidacy registration and procedures for the verification of supporting signatures.

25. The right to active suffrage is granted to citizens who are over 18 years of age, have legal capacity and domicile in Serbia. Since the entry into force, in 2012, of the Law on the Single Electoral Unit, the Unified Electronic Voter Register (UVR) has been used and serves as a single data source from which voters lists for each polling station are extracted. Voter registration is passive, meaning that voters are not required to take any specific action of their own to be included on the voters list. The Ministry of Public Administration and Local Self-Government maintains and continually updates the voter registry based on municipal records and voter requests. The voter registry closes for changes 15 days before election day. After this, amendments can be made by the Republic Electoral Commission until 48 hours prior to election day.

26. The REC informed the Assembly's observation delegation that for the presidential election on 2 April, 6 724 949 voters were registered, including 11 590 voters to vote abroad. In accordance with the 2011 amendment to the Election Law, voters could register to cast their ballots at a place of temporary residence or abroad. Some concerns were raised about the accuracy of voters lists for Serbian citizens residing in Kosovo and in the Roma communities.

7. Law on the election of the President of the Republic, Articles 9 and 10.
8. Ibid., Article 14.

## 4. Election campaign and media environment

27. The election campaign for the presidential election officially started on 2 March, it was calm, peaceful and short. All presidential candidates were able to campaign freely without major restriction. According to many presidential candidates and their representatives with whom the Assembly's observation delegation met, the ruling coalition candidate benefited from his position as Prime Minister during the election campaign, which led to an unlevel playing field vis-à-vis his competitors. In addition, many interlocutors expressed concern regarding the misuse of administrative resources during the election campaign. The election campaign was focused mainly on economic, social and security issues, on European integration and fighting against corruption.

28. The presidential election was mostly characterised by negative campaigning. According to representatives of non-governmental organisations (NGOs) and other interlocutors, these elections were transformed into a referendum "in favour" or "against" the Prime Minister Aleksandar Vučić. All this created an atmosphere which was sometimes dominated by hate speech and intolerance.

29. The legislation provides for equal media access for all presidential candidates. Nevertheless, the presidential election once again proved that the media coverage and the transparency of its financing are a matter of serious concern. With regard to the media coverage of the election campaign, it is regulated by the Law on Public Information and Media, the Law on Public Broadcasting Services and the Law on Electronic Media. The provisions of the Law on Public Information and Media guarantee media pluralism.[9] Article 47 sets the framework for the identification of threats to media pluralism. In case of such threats related to printed media, it is the responsibility of the Minister for Information to launch a procedure against the media concerned. Within a legal framework which generally guarantees freedom and plurality of the media, this provision might be problematic as its implementation depends on a member of the executive power.

30. The Assembly, in its previous election observation reports, was very critical concerning the media coverage of elections in Serbia. Regrettably, many serious concerns in this field still remain unaddressed. While the current legal framework appears to be advanced and protective of freedom of expression and media, its implementation remains a major issue, especially in times of elections. The ownership structure of the media is seen as the key systemic problem. A large number of media outlets are owned by the State either at local, regional or national levels. The new set of laws requires State-owned media to be privatised. However, as underlined by the Anti-Corruption Agency,[10] when it comes to private ownership, the main issue becomes the transparency of the ownership structure. Non-transparent ownership structures lead to non-transparent funding sources, which enables the development of connections between media outlets, political structures and big business.

31. The State remains the main source of funding for media outlets through the purchase of advertising space, providing subsidies from the State budget, direct project financing through the newly introduced call for projects mechanism,[11] and tax relief. According to different interlocutors of the Assembly observation delegation, this situation may alter the independence and plurality of the media, and potentially favour the ruling majority.

32. Many presidential candidates and representatives of NGOs and the media community informed the delegation about the unequal media treatment of the presidential candidates. The presidential candidates' activities were relatively fairly covered in the programmes of public services on the first channels of the State-run Radio and Television of Serbia (RTS) and Radio and Television of Vojvodina (RTV). Aleksandar Vučić was the most represented presidential candidate in the electronic and printed media, including on the front pages of daily newspapers. According to surveys of different media associations of Serbia, the parties of the ruling coalition and their candidate took up a huge part of information programmes of the most important TV stations: out of a total of 30 676 seconds on pre-election activities of candidates on seven TV stations, Vučić was given 58.45%, followed by Vuk Jeremić (6.99%) and Saša Janković (6.75%). In addition to his position of presidential candidate, Aleksandar Vučić also appeared in the media in his quality of Prime Minister.

33. Regarding the media coverage of the election campaign, the Assembly observation delegation, in its statement after the election, pointed out the unprecedented unequal media coverage of the election campaign in favour of the candidate from the ruling coalition, and that the oversight of media during the campaign,

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9. Articles 6 and 45-47 of the Law.
10. Anti-Corruption Agency of the Serbian Government, Report on Ownership Structure and Control of the Media in Serbia, 26 February 2015, www.antikorupcija-savet.gov.rs/en-GB/reports/cid1028-2751/presentation-of-report-on-ownership-structure-and-control-over-media-in-serbia.
11. Articles 17ff. of the Law on Public Information and Media.

including electronic media, was inefficient. The ruling coalition candidate benefited from his position as Prime Minister during the election campaign, which led to an unlevel playing field vis-à-vis his competitors. In addition, many interlocutors expressed concern regarding the misuse of administrative resources during the election campaign.

## 5. Election day

34. On the election day, the members of the Assembly observation delegation visited a limited number of polling stations in Belgrade and the surrounding areas as well as in Novi Sad, Užice, Kragujevac, Kraljevo, Valjevo, Požarevac and Pančevo. The voting day was calm and well organised. Voters could make their choice freely, even though some procedural and technical shortcomings were observed in the polling stations visited:

– presence of a considerable number of people in the polling stations which were often far too small;

– 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 parliamentary elections in April 2016;

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

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

– isolated cases of non-compliance with the counting procedures in certain polling stations were observed, mainly in rural localities,

– isolated cases of family voting in some polling stations;

– cases of the presence of SNS representatives in and around some of the polling stations in Pančevo, with the intention of orienting the voters;

– very limited cases of the presence of citizen observers.

35. On 5 April, the Republic Election Commission announced the results of the presidential election. Aleksandar Vučić won the election with 55.02% % of votes cast. The other candidates obtained the following results: Saša Janković – 16.36%; Luka Maksimović – 9.43%; Vuk Jeremić 5.65%; Vojislav Šešelj – 4.51%. The rest of the candidates obtained less than 3% of the votes. The turnout was 54.57%. Due to some irregularities, the REC decided to organise repeat elections on 11 April in one polling station in each of the municipalities of Backa Palanka and Zrenjanin.

## 6. Conclusions and recommendations

36. The Assembly's ad hoc committee concluded that voting day was calm and well organised; the voters could make their choice freely, even though some procedural and technical shortcomings were observed in the limited number of polling stations visited on 2 April 2017.

37. The Assembly observation delegation stressed that the election is not limited to election day and, with regard to the election campaign, while the presidential candidates could in general campaign freely without significant restrictions, the ruling coalition candidate nevertheless benefited from his position as Prime Minister during the election campaign, which led to an unlevel playing field vis-à-vis his competitors. In addition, many interlocutors expressed concern regarding the misuse of administrative resources during the election campaign.

38. Although the legal framework provides a generally sound basis for the conduct of democratic elections if applied in good faith, the Council of Europe's Venice Commission had previously noted that the legislation would benefit from a comprehensive review to address loopholes and unclear provisions. Most of the Venice Commission's recommendations have not been addressed, in particular concerning the election dispute resolution process, and the need for effective provisions to prevent and sanction the misuse of administrative resources and abuse of office.

39. The Assembly, in its previous election observation reports, was very critical concerning the media coverage of elections in Serbia. Regrettably, many serious concerns in this field still remain unaddressed. While the current legal framework appears to be advanced and protective of freedom of expression and media, its implementation remains a major issue, especially during elections. The Assembly observation

delegation pointed out the unprecedented unequal media coverage of the election campaign in favour of the candidate from the ruling coalition. Moreover, the oversight of media during the election campaign, including electronic media, was inefficient.

40. Regarding the funding of the election campaign, the Assembly's observation delegation recalled that many recommendations still remain unaddressed, in particular the Venice Commission had recommended including in the Law on the Election of the President of the Republic provisions on the autonomous mandate of the Anti- Corruption Agency, reconsidering the level of public funding; considering introducing an overall campaign expenditure limit and a party financing limit and lowering the limits on private funding for both private individuals and companies. All these recommendations, if implemented, could reduce the risk of disproportionate levels of expenditure between the parties.

41. The Assembly's observation delegation considers that the current system of composition of the Republic Electoral Commission could lead to an excessive politicisation of the electoral administration to the detriment of its neutrality. Nevertheless, the REC worked in a transparent and efficient manner. The registration of candidates was inclusive and no major concerns have been reported regarding the accuracy of the voters lists.

42. The Assembly observation delegation identified a number of irregularities and shortcomings during the whole electoral process of the presidential election. Serbia therefore needs to improve its electoral legal framework, as well as certain electoral practices, taking into consideration the lessons of past elections, in order to increase the citizens' confidence in democratic elections. This work should be accomplished in the framework of the Assembly's monitoring procedure and 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:

– Ingebjørg GODSKESEN (Norway, EC), Chairperson

**Group of the European People's Party (EPP/CD)**

– Giuseppe GALATI, Italy

– Jordi ROCA, Spain

– Egidijus VAREIKIS, Lithuania

– Adão SILVA, Portugal

**Socialist Group (SOC)**

– Paolo CORSINI, Italy

– Renata DESKOSKA, "the former Yugoslav Republic of Macedonia"

– Luis Alberto ORELLANA, Italy

– Predrag SEKULIĆ, Montenegro

**European Conservatives Group (EC)**

– Ingebjørg GODSKESEN, Norway

– Arkadiusz MULARCZYK, Poland

**Alliance of Liberals and Democrats for Europe (ALDE)**

– Eerik-Niiles KROSS, Estonia

– Anne MULDER, Netherlands

**Secretariat**

– Chemavon CHAHBAZIAN, Head of the Election Observation and Interparliamentary Co-operation Division

– Danièle GASTL, Assistant, Election Observation and Interparliamentary Co-operation Division

– Gaël MARTIN-MICALLEF, Legal advisor, Venice Commission

**Appendix 2 – Programme of the presidential election observation mission**

**Friday 31 March 2017**

09.00 – 09.45 Ad hoc committee meeting:
- Opening by Ingebjørg Godskesen, Head of Delegation
- Briefing by the member and secretariat of the Venice Commission on the legal framework

10.00 – 10.30 Interventions by heads of international offices in Serbia:
- Andrea Orizio, Head of the OSCE Mission to Serbia
- Oskar Benedikt, Deputy Head of the Delegation of the European Union to Serbia

10.30 – 11.30 Meeting with the Head of the OSCE/ODIHR election observation mission in Serbia and members of the core team:
- Ambassador Alexandre Keltchewsky, Head of Mission (France)
- Tatyana Hilsher Bogussevich, Deputy Head of Mission (Kazakhstan)
- Armen Mazmanyan, Legal Analyst (Armenia)
- Andreas Raab, Political Analyst (Germany)
- Vania Angeluova, Election Analyst (Bulgaria)
- Ivan Godarsky, Media Analyst (Slovak Republic)

11.45 – 12.30 Meeting with representatives of the Civil Society:
- Sonja Biserko, Helsinki Committee for Human Rights
- Rasa Nedeljkov, Center for Research, Transparency and Accountability (CRTA)
- Emilija Brkic, CESID
- Ana Janković Jovanović, Lawyers' Committee for Human Rights (YUCOM)

13.45 – 14.45 Meeting with Tamara Skrozza, Press Council

15.00 – 15.45 Meeting with representatives of the Republic Electoral Commission

16.00 – 20.00 Meetings with the presidential candidates:
- Marija Obradović and Aleksandra Djurović, representatives of the Serbian Progressive Party (SNS)
- Miroslav Parović, People's Freedom Movement
- Vuk Jeremić, independent candidate (supported by: New Serbia, Together for Serbia, Social Democratic Party, People's Movement of Serbia)
- Vojin Biljic, member of the election committee of Saša Radulović, Enough is enough (DJB)

**Saturday 1 April 2017**

10.00 – 10.30 Milan Stamatović, independent candidate, "For Healthier Serbia – Milan Stamatović"

11.00 – 12.00 Meeting of the ad hoc committee:
- Briefing by Tim Cartwright, Head of Council of Europe Office in Belgrade
- Information by the Secretariat; deployment; meeting with drivers and interpreters

**Sunday 2 April 2017**

06.30 – 07.30 Observation of the opening of polling stations

08.00 – 20.00 Observation of the elections

20.00 Observation of the closing of the polling stations, counting and presentation of results

**Monday 3 April 2017**

09.00 – 11.00 Debriefing by the members of the ad hoc committee on the election observation and preparation of the statement

## Appendix 3 – Statement by the ad hoc committee

### Presidential election in Serbia: Statement of the observation delegation of the Parliamentary Assembly of the Council of Europe

Belgrade, 03.04.2017 – On the invitation of the Serbian authorities, a multiparty delegation from the Parliamentary Assembly of the Council of Europe (PACE) observed the Presidential election in Serbia on 2 April 2017. The Assembly has observed all presidential and parliamentary elections in Serbia since 2000.

Yesterday, the PACE delegation visited a limited number of polling stations in Belgrade and surrounding areas as well as in Novi Sad, Užice, Kragujevac, Kraljevo, Valjevo, Požarevac and Pančevo. The voting day was calm and well organised. The voters could make their choice freely although some procedural shortcomings were observed.

Many presidential candidates and other interlocutors of the PACE observation delegation pointed out the unprecedentedly unequal media coverage of the election campaign in favour of the candidate from the ruling coalition, although the legislation provides for equal media access to all presidential candidates. Moreover, the oversight of media during the campaign, including electronic media, was inefficient.

The Assembly observation delegation noted that the election campaign was in general peaceful. All presidential candidates could campaign freely without significant restrictions. The ruling coalition candidate benefited from his position as Prime Minister during the election campaign, which led to an unlevel playing field vis-à-vis his competitors. In addition, many interlocutors expressed concern regarding the misuse of administrative resources during the election campaign. The election campaign was focused mainly on economic, social and security issues, on European integration and fighting against corruption.

While the legal framework provides a generally sound basis for the conduct of democratic elections if applied in good faith, the Council of Europe's Venice Commission had previously noted that the legislation would benefit from a comprehensive review to address loopholes and unclear provisions. Most of the Venice Commission's recommendations have not been addressed, in particular concerning the election dispute resolution process, the need for effective provisions to prevent and sanction the misuse of administrative resources and abuse of office.

Many presidential candidates and other interlocutors expressed their concerns about the disproportionate system of financing of political parties and election campaigns. In this regard, the Assembly's delegation recalls that the PACE in its different resolutions, as well as the Venice Commission in its opinions, repeatedly recommended to Serbian authorities to lower the levels of public and private funding and to introduce an overall campaign expenditure limit and a party financing limit. In addition, there is a lack of effective legal mechanisms to increase the transparency of political party and election campaigns funding, its oversight and accountability.

The Republic Electoral Commission worked in a transparent and efficient manner, and political contestants had, in general, confidence in its work. The registration of candidates was inclusive and no major concerns have been reported regarding the accuracy of the voters lists.

The delegation held meetings with the presidential candidates or their representatives, representatives of the Republic Electoral Commission, the OSCE/ODIHR Assessment Mission, representatives of the international organisations, and representatives of civil society and the media.