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Observation of the early parliamentary and presidential elections in Serbia (3 April 2022)

Election observation report
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1. Introduction

1. The Bureau of the Parliamentary Assembly, at its meeting on 21 January 2022, decided to observe the early parliamentary and presidential elections in Serbia, subject to the receipt of an invitation, to constitute an *ad hoc* committee composed of 20 members and the two co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and to conduct a pre-electoral mission. At its meeting on 28 January, the Bureau approved the composition of the *ad hoc* committee and appointed Mr Aleksander Pociej (Poland, EPP/CD) as chairperson (see Appendix 1). On 15 February, Mr Ivica Dačić, President of the National Assembly of Serbia, invited the Assembly to observe the presidential election.

2. In line with the co-operation agreement signed between the Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative of the Venice Commission was invited to join the *ad hoc* committee as legal adviser.

3. A pre-electoral delegation was in Belgrade on 2 and 3 March 2022. It met with the Speaker of the National Assembly and the Serbian delegation to the Assembly, leaders and representatives of political parties and coalitions, members of the election observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR EOM), the chairperson and members of the Republic Electoral Commission, members of the diplomatic corps in Belgrade and representatives of civil society and the media. The programme of the pre-electoral mission is set out in Appendix 2 and its statement in Appendix 3.

4. The full Assembly ad hoc committee (PACE delegation) worked from 1 to 4 April 2022. It operated as part of an International Election Observation Mission (IEOM) together with a delegation from the Parliamentary Assembly of the OSCE (OSCE-PA), a delegation from the European Parliament and the OSCE/ODIHR EOM. The programme of the delegation's meetings is set out in Appendix 4.

5. The IEOM concluded that the fundamental freedoms were largely respected and voters were presented with diverse political options. However, a number of shortcomings resulted in an uneven playing field, favouring the incumbents. The combined impact of unbalanced access to the media, undue pressure on public sector employees to support the incumbents, significant campaign finance disparities and misuse of State resources resulted in unequal conditions for contestants. The joint press release is set out in Appendix 5.

2. Political context

6. On 15 February 2022, the President of the Republic of Serbia dissolved the parliament and set early parliamentary elections for 3 April. On 2 March the Speaker of the parliament called the regularly scheduled presidential election. In the months leading up to the elections, extensive consultations took place resulting in a political agreement between the government and some opposition parties to amend the electoral legal framework.

7. The Serbian political landscape is dominated by the Serbian Progressive Party (SNS) and its leader, the incumbent President Aleksandar Vučić. In 2017, then Prime Minister Vučić, nominated by SNS, won the presidential election. The June 2020 parliamentary elections were boycotted by most of the opposition, including the Democratic Party, the People's Party, the Party for Freedom and Justice, the Serbian Movement Dveri, and the Social Democratic Party, citing a lack of conditions for holding democratic elections and limited media freedom. The parties belonging to the ruling coalition obtained 231 of the 250 parliamentary mandates.

8. There is a strong polarisation between the ruling parties and the opposition and numerous citizens' protests occurred between July 2020 and January 2022. Between September and December 2021, prolonged street protests took place across the country, related to environmental issues and the adoption of the Law on Expropriation and the Law on the Referendum and the People's Initiative.

9. An inter-party dialogue process between the government and opposition, mediated by members of the European Parliament, resulted in the adoption on 18 September 2021 of a number of measures aimed at improving the electoral process. A second dialogue was launched under the auspices of the speaker of the parliament, held in parallel without foreign mediation, and led to an agreement on 29 October. While a number of opposition parties expressed dissatisfaction with the dialogue processes and considered the outcomes limited, all of them decided to participate in these elections. On 16 January, a constitutional referendum related to the appointment of judges and prosecutors was held, and the Constitution was subsequently amended on 9 February.

10. The representation of women in the outgoing parliament was 40%. Women held 11 ministerial positions out of 24 in the outgoing government, including the prime minister. However, women remain generally under-represented in elected and appointed offices, especially at local level.

3. Electoral system and legal framework

11. The president is directly elected for a five-year term from a single nationwide constituency. A candidate needs a majority of the votes cast to be elected; if this is not achieved, a second round is organised between the two leading candidates within 15 days. The 250 members of the parliament are elected for a four-year term through a proportional system with closed candidate lists from a single nationwide constituency. Mandates are distributed among candidate lists that receive at least 3% of the votes cast. Lists representing national minorities are exempt from the threshold requirement.

12. The election-related legal framework consists of the Law on the Election of the President, the Law on Election of Members of the Parliament (election law), the Law on Unified Voter Register and decisions and instructions of the Republic Electoral Commission. After wide-ranging inter-party consultations, several aspects of the legal framework were significantly revised on 4 February 2022, by passing new laws but largely based on the existing laws. A number of changes enhanced the representation of the opposition in election commissions for these elections and enhanced the transparency of their work; extended the timeframes and legal standing for dispute resolution; enhanced the transparency and disclosure of political party and campaign finance; provided for post-election audits of the voter lists and scrutiny of election material; and changed some regulations on the media coverage of the campaign and the media oversight mechanism.

13. The legal framework overall provides an adequate basis for the conduct of democratic elections, but effective implementation and a number of additional measures are indispensable to fully ensure a level playing field. A number of long-standing recommendations remain unaddressed, including those pertaining to the independence and effectiveness of the Regulatory Authority for Electronic Media, measures aimed at tackling the misuse of administrative resources and pressure on voters and public scrutiny and the audit of voter lists. Some gaps, inconsistencies and ambiguous provisions remain in the legislation. While some welcomed the February 2022 legislative changes as an improvement, most representatives of the civil society and of the opposition considered that these changes and their implementation failed to address systemic challenges to the integrity of the elections.

4. Election administration, voters lists and registration of candidates

14. The elections were administered by a three-tiered structure led by the Republic Electoral Commission (REC) and comprising 166 local electoral commissions (LECs) and 8 267 polling boards (PBs). Commission members were nominated by political parties in proportion to their representation in the parliament or local assemblies. For these elections, the composition of all commissions was altered to provide for temporary representation of the non-parliamentary opposition. Despite the compressed timeframe for holding two national electoral contests in parallel, the election administration carried out its duties efficiently and within the legal deadlines.

15. The REC is a permanent body and consists of 23 permanent members, including the chairperson. Its current composition was nominated in October 2020 and amended in November 2021. The extended composition of the REC, which in addition to permanent members includes representatives of the electoral contestants, comprises 88 members or substitutes; of them, 34 (39%) are women. The REC held regular sessions, which were open to the media and observers and streamed online. Some REC members noted that not all background material necessary for meaningful discussions was shared in time before sessions. The REC held regular sessions open to observers. While most decisions were adopted unanimously, some REC members from the opposition asserted that there was a lack of internal communication within the commission. As prescribed by law, decisions and instructions adopted by the REC and LECs were published online within 24 hours, enhancing the transparency of the process.

16. All LECs and PBs were appointed within the legal deadlines. In most LECs observed by the ODIHR EOM, the technical and administrative preparations were managed in a transparent and professional manner, but some LECs claimed to have received information from the REC on certain issues late, including on training of PB members. Women accounted for 41% of the permanent compositions of the LECs and presided over 67 commissions (40%). Some contestants reported difficulties in appointing their representatives to the extended compositions of the LECs and PBs. Several opposition and civil society interlocutors of the IEOM raised concerns about the technical capacity of the LECs with regard to their new responsibilities, such as the post-electoral audit of election material.

17. The REC formed 5 LECs and 46 PBs for voters residing in Kosovo*.[1]

18. The REC developed a hybrid online and in-person training programme for lower-level commissions, focusing on election day procedures, determination of election results and adjudication of complaints. In line with the legal provisions, participation in training sessions was not mandatory for PB members. The quality of training sessions varied, with some trainers not providing sufficient opportunity for questions and comprehensive clarifications.

19. Voter education efforts by the REC were very limited, visible primarily on its website, social networks and, to a limited extent, in the broadcast and online media. Some civil society organisations, most notably the Centre for Research, Transparency and Accountability, posted voter educational material on billboards and in media platforms focusing primarily on raising awareness of electoral offences and the right to vote in secret.

20. While the election law requires polling stations to be accessible for voters with physical disabilities, interlocutors representing persons with disabilities pointed out a long-standing issue of lack of inclusion in the electoral process for persons with various types of disabilities.

21. All citizens aged at least 18 years on election day have the right to vote, except those who have lost legal capacity through a court decision. The disenfranchisement of citizens based on intellectual and psychosocial disabilities is at odds with international standards.

22. Voter registration is passive. The Unified Voter Register (UVR) is a permanent database maintained electronically by the Ministry of Public Administration and Local Self-Government and updated on the basis of municipal records, input by other State institutions, and voters' requests for corrections. While the election law does not prescribe a permanent address as a prerequisite for electoral rights, inclusion in the UVR is in practice based on voters' permanent residence in the country. Voters whose permanent addresses are removed from the register of permanent residence of citizens for any reason are automatically removed from the UVR. In some cases, this may lead to voters being unduly disenfranchised. According to the Ministry of Interior, since 2011, a total of 43 907 entries of citizens' permanent residence have been deregistered,

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

through a procedure in which police established that those citizens do not reside at those addresses. Some IEOM interlocutors raised concerns about the accuracy of the UVR and many drew attention to the continued presence of entries of deceased persons.

23. Voters could inspect their entries at local administration premises or online and request corrections between 16 February and 30 March 2022. On 18 March, according to the Ministry of Public Administration and Local Self-Government, precinct voter lists were made accessible for scrutiny online. By 12 March, voters were entitled to request inclusion in the voter list at their temporary residence and abroad. Special voter lists were compiled for military voters, detainees and prisoners. Voters could request mobile voting due to illness, age or disability at their respective LEC or PB, without providing a justification, until 11 am on election day. On 1 April, the REC published the final number of registered voters: 6 502 307.

24. By a decision of 18 November 2021, the government established an interparty working group to scrutinise the Unified Voter Register. Some members of the group said that the limited mandate of the entity did not provide a clear objective, timeframe, and conditions for meaningful scrutiny. Some opposition representatives stepped down from the working group before election day, citing a lack of clear mandate and resources.

25. Citizens eligible to vote may stand for president or member of parliament, without any additional eligibility requirements. Political parties, pre-electoral coalitions and *ad hoc* groups of at least ten voters could register presidential candidates and parliamentary candidate lists with the REC, supported by 10 000 signatures from voters (5 000 for lists representing national minorities). Two out of every five consecutive candidates on each list must belong to the less represented gender; all candidate lists satisfied this legal requirement.

26. The candidate registration period for the early parliamentary and presidential elections started with the call for the corresponding elections, respectively, on 15 February and 2 March 2022 and ended on 13 March. Contrary to international good practice and previous Venice Commission and ODIHR recommendations, a voter may sign in support of only one presidential candidate and one parliamentary candidate list.

27. Overall, candidate registration was inclusive. The REC registered 8 presidential candidates and 19 parliamentary candidate lists. Four requests to register parliamentary candidate lists, with a status of national minority list, were rejected for not being supported by the required numbers of signatures. The REC's decision on the rejection of the coalition Russian Minority Alliance was appealed and overturned by the Administrative Court, and the REC subsequently registered the coalition. Three of the eight presidential candidates were women. A total of 2 912 parliamentary candidates nominated by seven political parties, ten coalitions and two groups of voters registered to contest the early parliamentary elections; 1 229 (42%) were women. Women headed 4 (22%) of the candidate lists.

5. Election campaigns and their financing

28. The election campaigns officially started with the call for the respective elections and ended on 31 March 2022 at midnight. While fundamental freedoms in the campaign were broadly respected, some challenges limited the ability of voters to make an informed choice free from undue pressure and inducement. Pressure on public sector employees to support the incumbent and the ruling coalition, and misuse of administrative resources by State and municipal actors prior to the elections blurred the line between the State and the party. Many IEOM interlocutors described what they perceived as excessive budgetary allocations and distribution of goods to different categories of voters prior to the elections. Concerns were expressed about a narrowing space for as well as intimidation and harassment of civil society organisations.

29. The campaign was low-key in most regions, except Belgrade, and focused on individual candidates rather than political platforms. Most contestants campaigned through gatherings, door-to-door canvassing, distribution of flyers, posters or billboards, and online. Only SNS and the Socialist Party of Serbia (SPS) organised large-scale rallies. Campaign platforms focused on the economy, agriculture, foreign investments, the cost of living, environmental issues and the status of Kosovo*. The Russian Federation's aggression against Ukraine largely overshadowed the campaign, especially early in the campaign, and shifted the public discourse to European security and its impact on Serbia. With the exception of isolated incidents of violence and hate speech, the campaign period was peaceful. The restrictions on public gatherings due to Covid-19 pandemic did not negatively affect the possibility of campaigning.

30. Women were active as candidates; however, party platforms and campaign messages rarely addressed issues related to gender equality.

31. Despite some existing regulation for public officials participating in the campaign, the legislation does not provide sufficient safeguards against the misuse of administrative resources or office during the campaign. The law allows most public officials to engage in public activities, including campaigning, unless it conflicts with their public duties. A large number of public infrastructure projects were announced, initiated or inaugurated during the campaign by the incumbent President or government representatives who were also candidates. Candidates sometimes failed to distinguish their official functions from political party campaigns, thus attributing government achievements to the ruling coalition. The use of administrative resources gave the ruling coalition a significant advantage of incumbency, benefiting from extensive media coverage and echoed in the social networks.

32. There were many credible reports with regard to pressure on voters to support the ruling coalition. Several opposition party representatives, civil society organisations and voters said that municipal and public company workers were coerced to vote and mobilise new voters for the ruling coalition, to attend rallies or post comments in support of the coalition on social networks. Some opposition representatives claimed that they had limited access to campaign venues. While voters were generally free to obtain information on all contestants, some opposition representatives said that their supporters feared attending their campaign events or being seen taking their leaflets. The widespread allegations of pressure and intimidation of voters raised concerns about voters' ability to cast their votes free of retribution.

33. Digital campaigning was used particularly by the opposition, to compensate for their limited financial means and limited access to media. Candidates and political parties mainly promoted manifestos and meetings with voters. Representatives of the ruling coalition frequently posted about the inauguration of infrastructure projects and other achievements as public officials. Accounts connected to the ruling party and some opposition representative accounts, such as leaders and candidates of the United for the Victory of Serbia, generated significant engagement with voters. Credible allegations were made of an operation of organised groups on social networks, active in promoting ruling party policies and discrediting the opposition, including through the use of disinformation.

34. Campaign finance is primarily regulated by the Law on Financing Political Activities and the 2019 Law on Prevention of Corruption (last amended in 2022), supplemented by regulations of the Anti-Corruption Agency (ACA). The Law on Financing Political Activities adopted in February 2022 addressed several Venice Commission and ODIHR recommendations, including lowering donation limits, introducing interim reporting on donations and expenditure for electoral contestants and establishing ceilings on political party membership fees and loans. However, some previous Venice Commission and ODIHR recommendations remain unaddressed, including those pertaining to the improvement of the oversight mechanism and the introduction of a campaign expenditure limit. The remaining shortcomings and limited enforcement diminish the transparency and effectiveness of the campaign finance framework. Many interlocutors reported mistrust in the effectiveness of the regulatory system, as currently implemented.

35. Political entities represented in the parliament are eligible for annual public funding. In addition, public funds are allocated to election campaigns of political entities nominating presidential and parliamentary contestants. In 2022, the total subsidy for campaigns amounts to some RSD 1.8 billion (around €15 million). By law, the first disbursements of public funds for campaigning were made available only nine days before the elections. In addition, many representatives of the opposition said that they had limited opportunities for fundraising, as donors were discouraged from supporting their campaigns due to fear of retribution, while access to loans was limited due to lack of business interests from banks. This, combined with the late disbursement of public funds for the campaign further undermined the possibility of effective campaigning and contributed to an uneven playing field.

36. Contestants may also finance their political activities, including campaigns, from their own funds, monetary and in-kind donations and loans. Donations from anonymous and foreign donors, public contractors, public entities, some civil servants, religious institutions, non-profit organisations, trade unions and through third parties are prohibited. Only four contestants published information on donations. A new provision of the Law on Financing Political Activities prescribes that donors of funds and services to political entities are subject to tax control by the Tax Administration. Without clear legal criteria, the selection of donors is within the discretion of the ACA, which many opposition representatives alleged may have discouraged potential donors from supporting opposition parties.

37. The ACA is mandated with the oversight of political finance and prevention of corruption. Pursuant to the February 2022 legislative changes, contestants must submit an interim campaign finance report to the ACA 5 days prior to elections, which is published by the ACA online 3 days after submission. The interim report only covers the period until 15 days prior to elections, which limits transparency and accountability, in

particular by leaving the expenditure of public funds unreported. The ACA deployed 130 observers around the country to monitor campaign events and material. The findings of observers were not published, missing an opportunity to increase the transparency of campaign financing.

38. While the ACA may initiate additional audits, issue warnings, and launch misdemeanour or criminal proceedings *ex officio* or upon complaints, leading to financial sanctions, it did not effectively respond to alleged violations. In the absence of expedited deadlines for complaints, some complaints on alleged misuse of administrative resources were not reviewed during the campaign. The ACA's decisions on complaints were not legally substantiated; in some cases, the ACA established its decisions based on the explanation of the respondent. Some deliberations on complaints were adopted in the form of conclusions rather than administrative decisions, which did not allow for appeals.

6. Media environment

39. The media environment comprises a large number of outlets. However, access to diverse views is restricted due to the limited reach of media which are not closely associated with the governing parties. Television remains the primary source of political information, followed by social networks and online media. Most dominant private TV channels with national coverage support government policies, which influences the public debate and undermines the media's watchdog role. Most opposition party representatives highlighted their chronic lack of access to the national public and private broadcasters to present their views. Many journalists acknowledged prevailing self-censorship, mainly due to media outlets' dependence on public funding. While there were only isolated cases of journalists facing threats or intimidation during the campaign, many IEOM interlocutors noted a climate of vilification of journalists, reinforcing the chilling effect on critical voices. Several journalists reported that access to information from State entities is increasingly difficult.

40. The law obliges all broadcasters to provide information about contestants in a non-discriminatory and objective manner. The national public broadcaster Radio Television of Serbia and the provincial Radio Television of Vojvodina covered campaign activities of all election contestants in line with the law and granted them access to special election programmes. In the run up to the elections, public broadcasters provided an opportunity for contestants to participate in debates. However, the uncritical and sometimes extensive news coverage of public officials who were also candidates, President Vučić in particular, was not fully in line with the regulatory framework that prohibits public media from granting such officials a privileged status. Recent legislative changes introduced a ban on the media coverage of opening or inaugurating events of projects of public benefit by State officials, who are also candidates, in a period of 10 days prior to election day. The provision was respected on most media monitored but this period is too short to be an effective safeguard of a level playing field.

41. Most broadcast media presented campaign activities mainly in their regular news programmes, through short clips produced directly by the contestants, lacking any editorial input. Influential private media with national coverage (especially TV B92 and RTV Pink) focused their news coverage on State officials often promoting governmental projects in the campaign period, many of them standing as candidates. Among the news programmes monitored on cable TV networks, most provided mainly positive and neutral coverage of the election contestants and authorities, with TV Vesti largely demonstrating a pro-government editorial approach; while TV Nova S presented a more critical portrait of the authorities. Most newspapers openly promoted the authorities, whose image was critical only in two out of ten newspapers monitored.

42. Some private broadcast media outlets invited the contestants to present their views in interviews or talk shows, in which some participants from the opposition refused to participate, citing an overall bias. The ruling coalition's candidates remained largely absent from cable TV channels with more critical editorial policies, narrowing voters' possibility to compare different views.

43. The Regulatory Authority for Electronic Media (REM) is vested with oversight of the broadcast media and adjudication of media-related complaints. Reflecting concerns of the opposition regarding the impartiality of the existing oversight bodies, in October 2021, a Temporary Supervisory Authority for Media Monitoring during the Election Campaign (TSA) was set up by the government to monitor the media's compliance with campaign regulations. Despite the generally collegial decision making of the TSA in the pre-campaign period, during the campaign, disagreements between members nominated by the opposition and the REM and the lack of enforcement powers significantly undermined the TSA's effectiveness. The critical issue was the coverage of State officials, which REM's media monitoring reports failed to report on, and the fact that the REM did not address this. The REM remained, overall, passive in regulating media conduct during the campaign but swiftly reacted to a case of campaign silence breach.

7. Complaints and appeals

44. Submitters of candidate lists, political parties, candidates, parliamentary groups and voters are entitled to file complaints against decisions, actions and omissions of the election administration as well as other election violations. Prior to election day, complaints could be filed with the REC and the Administrative Court in Belgrade. Complaints about irregularities during voting may be filed with the corresponding LECs. Complaints concerning the decision of the parliament to confirm the mandates of the new deputies may be filed with the Constitutional Court.

45. The complaints and appeals mechanism provided for expedited dispute resolution on matters related to the administration of elections. The February 2022 legislative changes addressed a number of previous Venice Commission and ODIHR recommendations to enhance the effectiveness of dispute resolution by extending legal standing to voters registered in a polling station and prolonging the timeframes for filing and reviewing complaints from 24 to 48 and 72 hours; prescribing an obligation for the REC and LECs to publish their decisions within 24 hours; and introducing a mechanism for complaints against PB result protocols and LEC decisions on tabulation of results.

46. Prior to elections, eight complaints were filed with the REC, including five by contestants and three by voters. Of these, five complaints challenged the registration of three candidate lists and a presidential candidate and two complaints were against the denial of registration of a contestant. One complaint challenged an LEC decision to establish several polling stations without REC approval, as required by law. All complaints were reviewed on merits and were rejected by the REC as unsubstantiated, while one was dismissed on technical grounds and one was upheld. The REC reviewed complaints in open sessions, respecting due process. It maintained a publicly available complaints database filed to election commissions and the administrative court, updated in a timely manner and contributing to transparency.

47. All REC decisions were appealed to the Administrative Court. The court dismissed two appeals on technical grounds, rejected four on merits and upheld one appeal.

48. Despite numerous allegations of serious electoral offences, including voter intimidation, misuse of administrative resources and vote-buying, the Prosecutor's Office and the police did not clarify whether they initiated investigations related to these elections. Some IEOM interlocutors expressed a lack of trust in the ability and will of the prosecutor, law enforcement bodies and courts to impartially and effectively handle such cases.

8. Election day

49. Election day was smoothly conducted and peaceful overall; however, several incidents took place, including physical attacks on two candidates and one polling board member. While the REC published turnout figures throughout the day, it failed to announce any figures following the closing of the polls. President Vučić claimed victory on election night, based on unofficial data.

50. The PACE observation delegation split into 13 teams and visited polling stations in Belgrade and the surrounding areas as well as in Novi Sad, Kragujevac, Nis, Vranje and Novi Pazar. Their observations were in general similar to the ones of the other IEOM teams, and statistical analyses based on data provided by observer teams are as follows:

– The opening of polls was assessed positively in 121 of the 137 polling stations observed. Opening procedures were generally followed, although in 21 polling stations, the PB did not properly seal the ballot boxes. In six cases, the control sheets were not signed or inserted in the ballot boxes in line with the procedures. 70 polling stations experienced mostly minor delays in opening for voting.

– The voting process was overall well-organised and smooth. However, it was assessed negatively in 11% of the polling stations, which indicated systemic deficiencies related to polling station layout, overcrowding, breaches in secrecy of the vote and family voting. In a few isolated cases, the IEOM observers noted the same persons assisting multiple voters when voting and observed vote buying.

– The polling station layout was inadequate in 12% of the 1 411 polling stations where it was observed, mainly due to the small size of voting premises. This, combined with the high number of PB members, intended to increase transparency, resulted in queuing and overcrowding in some 16% of the PB observed. In line with the national health protocols, there were no specific Covid-19 related measures in place. Some 63% of the polling stations did not provide for independent access for persons with physical disabilities and in 27% the layout was not suitable for such voters. In total, 46% of the membership of PBs observed by the IEOM were women, including 40% of the chairpersons.

– Citizen observers monitored the electoral process in some 25% of the polling stations observed, enhancing transparency.

– Voting procedures were generally respected; however, insufficient understanding of the procedures by PBs resulted in inconsistent implementation of important safeguards related to the integrity of the process. In 16% of observations, ballot boxes were not properly sealed. In some 10% of the observations, voters' fingers were not always checked for traces of invisible ink. In some 4% of the polling stations observed, the voters' identity was not always properly checked. Also, voters' fingers were not always inked at the time of voting in 6% of the observations. While PBs must by law inform voters about the voting process and their right to vote in secret, this was not applied in almost half of the polling stations observed. Instances of family voting were observed in some 20% of the polling stations, potentially impacting independent voting for women and elderly voters.

– In 28% of the observations, not all voters marked their ballots in secrecy, due to inappropriate positioning of voting screens in 23% of polling stations and to overcrowding or insufficient distance from voters and PB members in 18%. In 11% of the observations, voters did not fold the ballots before casting them. In 2% of the observed polling stations (27 cases), persons other than the designated PB member were keeping track of who voted. Voters were taking pictures of their ballot in some 2% of the observed polling stations (30 cases). In a few isolated cases PB members or party supporters were seen to influence the will of voters.

– The vote count was assessed overall positively in 96 of 121 of the polling stations observed. In some cases, in their effort to speed up the vote count, PBs omitted important procedural steps put in place to safeguard the integrity of the process. PBs did not determine the number of voters who signed the voter list before opening the ballot box (20 observations), did not respect the legally required order of elections counted (28 observations), and opened the ballot boxes and other materials of the presidential contest before finishing the vote count of the parliamentary race (21 cases). In 28 observations, the transparency during the vote count was undermined by rushed or concurrently conducted procedures and overcrowding, limiting the possibility for all present to see the marking on each ballot properly. In 34 cases, PBs had difficulties to reconcile the results; in 16 cases, the results did not reconcile. In 17 polling stations, PB members pre-signed the results protocols before the count was finished; in 12 not all PB members signed them, as required by the law. Thirteen PBs observed did not properly pack and seal the election material before transferring it to LECs.

– Citizen observers were present during the count in one third of polling stations observed.

– The handover of the election material and the initial phase of the tabulation process, observed in 89 LECs, was generally well-organised. Due to inadequate premises and overcrowding, the procedures were negatively assessed in 7 cases. Discrepancies in some of the results protocols submitted by PBs were observed in 33 LECs visited.

51. On 6 April, the REC, on the basis of 98,93% counted ballots, proclaimed the incumbent President Vučić (the joint presidential candidate of the SNS coalition, the SPS, and the Alliance of Vojvodina Hungarians) as winner of the presidential election, with 59.5% of votes. The SNS won 42,91% of votes (120 seats). The opposition presidential candidate Zdravko Ponos, received around 18%, while his alliance United for Victory of Serbia obtained around 13,69% (38 seats). The presidential candidate of the green-left coalition Moramo ("We must"), Prof. Biljana Stojkovic, gained 3.25% and her coalition 4,63% (12 seats). The SPS, a long time SNS coalition partner, came third with 11,34% (32 seats). The Nada ("Hope") coalition around the Democratic Party of Serbia (DSS) won more than 5% of the vote and 15 seats. Dveri and Zavetnici ("Oath-Keepers") obtained around 3,8% of the vote each (10 seats for each).

52. According to the preliminary results the turnout was of around 59%.

9. Conclusions and recommendations

53. The Assembly has observed all elections in Serbia since 2000 (with the exception of the parliamentary elections of 2020 due to the Covid-19 pandemics). Since 2000 all but one parliamentary election in Serbia have been early elections. In this regard, the PACE delegation felt that, while legally possible, the "culture" of early elections impacts the efficient autonomous functioning of the parliament according to the constitutional term of office, no matter which political forces are in power.

54. The 3 April 2022 elections took place against the backdrop of intense polarisation between the ruling coalition and opposition parties, which had been reflected in an opposition boycott of the 2020 parliamentary elections and numerous public protests between July 2020 and January 2022.

55. The PACE delegation noted that the Russian Federation's aggression against Ukraine largely overshadowed the campaign, especially early on, and shifted the public discourse to European security developments and their impact on Serbia.

56. The PACE delegation felt that, overall, the legal framework provides an adequate basis for the conduct of democratic elections. However, it stresses that its effective implementation is indispensable to fully ensure a level playing field.

57. The PACE delegation took note of the recent legislative changes resulting from an extensive dialogue between the ruling parties and some of the opposition, addressing some prior recommendations from the Venice Commission and the ODIHR. Nevertheless, the delegation stresses that some issues remain unaddressed, mainly concerning the access to media, campaign finance, measures to tackle pressure on voters, and the public scrutiny and audit of voter lists.

58. The election administration carried out its duties efficiently and all election commissions included representatives of the non-parliamentary opposition. There were, however, varying levels of confidence in the election administration bodies, and doubts existed about the technical capacity of lower-level commissions to cope with new responsibilities.

59. The Assembly, in its previous election observation reports, has been very critical concerning the media coverage of elections in Serbia. Regrettably, many serious concerns in this field remain unaddressed. The delegation noted that, while media covered all electoral contestants, most public and private broadcasters with national coverage favoured the incumbent president and the ruling coalition, limiting the opportunity of voters to make a fully informed choice.

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

61. The Assembly observation delegation stressed that the election is not limited to election day and regretted that during the campaign period, some key challenges limited voters' ability to choose free from pressure or inducement. As well as pressure on public sector employees and the misuse of State resources by State and municipal actors, excessive budgetary allocations seemed to have been made to certain categories of voters prior to the elections.

62. The delegation noted that the transparency and effectiveness of campaign finance regulation is limited and, despite recent legislative changes, concerns remain concerning the campaign expenditure limit and the improvement of the oversight mechanism. The late disbursement of public funds for the campaign undermined the ability to campaign effectively. The newly introduced tax audit of donors to political parties discouraged financial support for the campaigns of some opposition parties. The Anti-Corruption Agency did not respond effectively to potential violations.

63. The PACE delegation regretted that party platforms and campaign messages rarely addressed issues related to gender equality.

64. The PACE delegation felt that the election day was smoothly conducted and peaceful overall but, despite solid preparations, was marked by a number of systematic procedural deficiencies related to polling station layout, overcrowding, breaches in secrecy of the vote and numerous instances of family voting, as well as cases of vote buying.

65. To conclude, the PACE delegation identified a number of irregularities and shortcomings during the whole electoral process of the early parliamentary and presidential elections of 3 April. It stresses that key aspects of the electoral process require further reform and implementation and feels that concrete measures should be taken by Serbia in order to improve its electoral legal framework, as well as certain electoral practices. This should be accomplished within 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:

Chairperson: Aleksander POCIEJ, Poland

** members of the pre-election delegation*

Socialists, Democrats and Greens Group (SOC)

– Ms Petra BAYR, Austria *
– Ms Heike ENGELHARDT, Germany
– Mr Mogens JENSEN, Denmark
– Mr André VALLINI, France
– Mr Pierre-Alain FRIDEZ, Switzerland
– Mr Andrzej SZEJNA, Poland
– Ms Marina BERLINGHIERI, Italy

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

– Mr Uldis BUDRIĶIS, Latvia
– Mr Christian KLINGER, France
– Mr Kęstutis MASIULIS, Lithuania
– Mr Aleksander POCIEJ, Poland *
– Mr Birgir THORARINSSON, Iceland

European Conservatives Group and Democratic Alliance (EC/DA)

– Mr Alberto RIBOLLA, Italy *
– Mr Norbert KLEINWÄCHTER, Germany

Alliance of Liberals and Democrats for Europe (ALDE)

– Ms Liliana TANGUY, France *
– Mr Iulian BULAI, Romania
– Ms Krista BAUMANE, Latvia

Group of the Unified European Left (UEL)

– Mr Andrej HUNKO, Germany *

Venice Commission

– Mr Eirik HOLMØYVIK, Norway

Secretariat

– Mr Bogdan TORCĂTORIU, Administrator, Election Observation and Interparliamentary Cooperation Division
– Ms Daniele GASTL, Assistant, Election Observation and Interparliamentary Cooperation Division
– Ms Anne GODFREY, Assistant, Election Observation and Interparliamentary Cooperation Division

– Mr Gaël MARTIN-MICALLEF, Legal advisor, Venice Commission

Appendix 2 – Programme of the pre-electoral delegation of the Parliamentary Assembly

Wednesday, 2 March 2022

9.30-10.45	Delegation meeting – Welcome by the Head of the delegation, Mr Aleksander Pociej – Interventions of the co-rapporteurs of the Monitoring Committee – Presentation by Mr Tobias Flessenkemper, Head of the Council of Europe Office in Belgrade – Practical information by the secretariat
11.00-12.30	Meeting with Mr Douglas Wake, Head of the OSCE/ODIHR Election Observation Mission and Mr Marcell Nagy, Deputy Head of Mission, and members of the core team
14.30-15.30	Meeting with representatives of the civil society: – Mr Raša Nedeljkov, Center for Research, Transparency and Accountability – Ms Maja Stojanović, Gradjanske Inicijative (Civic Initiatives) – Ms Izabela Kisic, Helsinki Committee for Human Rights in Serbia – Mr Zlatko Minic, Transparency International Serbia
15.45-16.45	Meeting with representatives of the media: Journalists: – Mr Zoran Stanojević, RTS – Ms Ljiljana Smajlović, Nedeljnik – Mr Igor Božić, N1 – Ms Vesna Mališić, NIN Representatives of media associations: – Mr Živojin Rakočević, President, Journalists' Association of Serbia – Mr Željko Bodrožić, President, Independent Association of Journalists of Serbia – Mr Velijko Milic, Executive Director, Independent Journalists' Association of Vojvodina
17.00-19.00	Consecutive meetings with leaders and representatives of the main non-parliamentary parties:
17.00-17.30	United Opposition / Đilas coalition
17.30-18.00	Dveri/POKS coalition: Ms Tamara Milenković-Jerković, Vice-president of SP Dveri, Mr Andrej Mitić, International Secretary of SP Dveri, Ms Irina Bogunović, General Secretary of POKS
18.00-18.30	Moramo / Green-left coalition
18.30-19.00	SDS / Tadić coalition: Mr Konstantin Samofalov (Secretary General of the Social Democratic Party), Ms Jovana Jovanović (Vice-President of the Social Democratic Party)
20.00	Working dinner hosted by H.E. Carlo Lo Cascio, Ambassador of Italy, with members of the diplomatic corps (ambassadors of countries represented in the preelectoral delegation: Poland, Austria, France, Germany)

Thursday, 3 March 2022

09.30-10.00	Meeting with the representatives of the parliamentary group "Aleksandar Vučić – for our children"
10.10-10.40	Meeting with the representatives of the parliamentary group of the Socialist Party of Serbia

10.50-11.20	Meeting with representatives of parliamentary groups: PUPS (Party of United Pensioners of Serbia), JC (United Serbia), SDPS (Social Democrat Party of Serbia, SVM (Alliance of Vojvodina Hungarians), SPP-USS (Justice and Reconciliation Party – United Peasant Party)
11.30-12.55	Meeting with the representatives of the parliamentary group "United Valley – SDA of Sandžak" (Party of Democratic Action of Sandžak)
13.00-13.45	Meeting with the Speaker of the National Assembly of the Republic of Serbia, H.E. Mr Ivica Dačić, with the participation of the members of the Serbian delegation to the PACE
15.30-16.30	Meeting with the Chairperson of the Republic Electoral Commission Mr Vladimir Dimitrijević
17.00-18.00	*Ad hoc* committee meeting (preparation of a statement)

Appendix 3 – Statement of the pre-electoral delegation of the Parliamentary Assembly

A pre-electoral delegation* of the Parliamentary Assembly of the Council of Europe (PACE), led by Aleksander Pociej (Poland, EPP/CD), was in Belgrade to assess the pre-electoral climate and the state of preparation a month before the presidential and early parliamentary elections in Serbia scheduled for 3 April 2022.

The PACE delegation met with the Speaker of the Parliament and the Serbian delegation to PACE, leaders and representatives of political parties and coalitions, members of the ODIHR Election Observation Mission, the Chairperson and members of the Republic Electoral Commission, members of the diplomatic corps in Belgrade and representatives of civil society and the media.

The Assembly has observed all elections in Serbia since 2000 (with the exception of the parliamentary elections of 2020). The Assembly pre-electoral delegation notes that since 2000 all but one parliamentary election in Serbia have been early elections. In this regard, the delegation considers that, while legally possible, the "culture" of early elections impacts the efficient autonomous functioning of the Parliament according to the constitutional term of office, no matter which political forces are in power. The delegation notes that the reasoning of the government for proposing to the President the dissolution of Parliament according to Article 109 of the Constitution has not been made public.

Regarding the legal framework for the presidential and early parliamentary elections, substantial changes were made early in 2022. Their effectiveness in realising international standards and commitments remains to be tested. This includes issues relating to voter, party and candidate registration, the organisation of polling, provisions for national minorities and people with disabilities, and access to the media. It should be stressed that, even if the recent changes implement international recommendations, late amendments to the electoral legislation limit the time needed for electoral preparations, including training and voter education, and might make it difficult to apply the electoral legislation properly and uniformly.

Representatives of civil society and the media described a tense political situation and the dominant position in the public sphere of the main government political party led by the President of the Republic, in particular in public broadcast media.

Domestic election observation organisations informed the delegation of problems and intimidation during the constitutional referendum held on 16 January 2022. The delegation heard, from different interlocutors, concerns about pressure put on voters and fears of possible irregularities on election day.

The Assembly pre-electoral delegation notes that the presidential and early parliamentary election campaigns are at early stages and might be affected by Serbia's position on the war against Ukraine.

The delegation noted that the general atmosphere is calm, and that all political contestants can campaign freely without restriction. It also took note of the legal obligation to bring forward lists with a minimum of 40% of the under-represented gender. The delegation was also informed about the polarisation of society before these elections and the growing popularity of extremist opinions, which could cause additional tension.

A full-fledged 22-member PACE delegation, accompanied by representatives of the Venice Commission, will travel to Serbia to observe the vote on 3 April.

** Composition of the delegation: Aleksander Pociej, Poland (EPP/CD), head of the delegation; Petra Bayr, Austria (SOC); Alberto Ribolla, Italy (EC-DA); Liliana Tanguy, France (ALDE); Andrej Hunko, Germany (UEL).*

Appendix 4 – Programme of the meetings of the International Electoral Observation Mission, Belgrade 1-4 April 2022

Friday 1 April

09.00-10.00 PACE internal meeting
- Opening by Mr Aleksander Pociej, Head of Delegation
- Briefing on the early parliamentary elections by Mr Eirik Holmøyvik, Venice Commission
- Practical and logistical aspects, deployment plan – Secretariat

10.15-10.30 Welcoming remarks by the heads of parliamentary delegations
- Mr Kyriakos Hadjiyianni, Special Co-ordinator and leader of the short-term OSCE observer mission
- Mr Aleksander Pociej, Head of the PACE Delegation
- Mr Thijs Reuten, Head of the European Parliament Delegation
- Ms Bryndis Haraldsdottir, Head of the OSCE PA Delegation

10.30-10.50 Introduction to the country
- Ambassador Jan Braathu, Head of the OSCE Mission to Serbia
- Mr Tobias Flessenkemper, Head of the Council of Europe Office in Belgrade
- Ambassador Emanuele Giaufret, Head of the European Union Delegation to Serbia

11.00-13.00 Briefing by ODIHR Election Observation Mission – Core Team – part 1
- Welcome and Overview of the EOM **–** Mr Douglas Wake, Head of Mission; Mr Marcell Nagy, Deputy Head of Mission
- Political Overview, Contestants and Campaign – Ms Aliénor Benoist, Political Analyst
- Legal Framework, Electoral System and Dispute Resolution – Ms Elissavet Karagiannidou, Legal Analyst
- Election Administration – Ms Marcela Mašková, Election Analyst; Mr Thomas Leszke, Junior Election Analyst
- Campaign Finance – Ms Elena Kovalyova, Campaign Finance Analyst
- Media Landscape – Mr Marek Mračka, Media Analyst; Mr Dumitru Lazur, Junior Media Analyst

14.00-15.00 Panel on election administration and legislation
- Mr Vladimir Dimitrijević, President, Republic Electoral Commission
- Ms Marina Dražić, Assistant Minister, Register Section, Ministry of Public Administration and Local Self-Government
- Ms Ivana Cvetković, Assistant Director for External Affairs and Strategic Development, Anti-Corruption Agency
- Mr Gradimir Nenadović, Deputy Director of the Republic Secretariat for Legislation

15.15-16.30 Panel on election campaign context and civil society
- Mr Bojan Klačar, Executive Director, Center for Free Elections and Democracy
- Ms Tamara Branković, Policy Lab Manager Center for Research, Transparency and Accountability
- Mr Nemanja Nenadić, Program Director, Transparency Serbia
- Ms Biljana Stepanov, Program Coordinator, Center for Support of Women
- Mr Zoran Gavrilović, Executive Director, Bureau for Social Research
- Ms Dragana Žarković Obradović, Director, Balkan Investigative Reporting Network, Serbia

16.30-17.45 Media Panel
- Mr Rade Veljanovski, Chairperson, Temporary Supervisory Body for Media Monitoring during Elections
- Ms Safeta Biševac, Editor of the Foreign Policy Section and Columnist, Danas

- Mr Zoran Stanojević, Assistant to Editor-in-Chief, Radio and Television of Serbia
- Ms Tatjana Aleksić, Executive Producer, N1 Television
- Mr Rade Đurić, Lawyer-Researcher, Independent Journalists' Association of Serbia
- Mr Milan Todorović, General Secretary, Regulatory Authority of Electronic Media
- Mr Saša Mirković, Deputy President, Association of Independent Electronic Media

Saturday 2 April

09.15-11.00 Briefings with representatives of the political parties (in separate slots)

- Mr Vladimir Orlić, Serbian Progressive Party
- Ms Nataša Gaćeša, Socialist Party of Serbia
- Ms Marinika Tepić, United for the Victory of Serbia Coalition
- Ms Vesna Rakić Vodinelić, Moramo Coalition
- Mr Merfid Kamešnićanin, Party of Democratic Action of Sandžak
- Mr Nebojša Marjanović, Alliance of Vojvodina Hungarians

11.15-12.45 Observation Procedure – ODIHR – part 2

- Safety and Security – Mr Davor Ćorluka, Security Expert
- Election day procedures and observation forms – Ms Marcela Mašková, Election Analyst, Mr Thomas Leszke, Junior Election Analyst, and Mr Max Bader, Statistical Analyst
- Work of long-term observers (LTO) – Ms Kerstin Dokter, LTO co-ordinator
- Briefing with OSCE PA Staff on information sharing, communication, and other modalities
- Briefing with Belgrade LTOs
- LTO Team 5 – Ms Anja Bronny and Mr Valdemar Uruba
- LTO Team 6 – Ms Lucrezia Aresi and Mr Mario Barfus

Sunday 3 April

All day Observation of the elections

Monday 4 April

08.00-09.00 PACE delegation debriefing meeting

15.30-16.30 Press conference

Appendix 5 – Press release of the International Election Observation Mission

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

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

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

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

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

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

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

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

"While I wish to emphasize that parties that previously boycotted elections participated this time, after extensive inter-party dialogue that led to a set of reforms, this should be seen as only the starting point for a more transparent dialogue towards broader and much needed further reform," said Bryndis Haraldsdottir, Head of the delegation from the OSCE Parliamentary Assembly. "This approach through dialogue, the core of democracy, has to be the way forward, as part of restoring trust in the system."

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

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

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

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

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