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# Observation of the early parliamentary elections in Serbia (17 December 2023)

**Election observation report**
Ad hoc Committee of the Bureau
Rapporteur: Mr Stefan SCHENNACH, Austria, Socialists, Democrats and Greens Group

## 1. Introduction

1. On 13 October 2023, President Aleksandar Vučić announced plans to hold parliamentary elections by the end of the year. On 1 November 2023, following a proposal of the government, the President dissolved the parliament and scheduled early parliamentary elections for 17 December. On the same day, the Speaker of the National Assembly of Serbia invited the Parliamentary Assembly to observe the early parliamentary elections. On 27 November 2023 the Bureau of the Assembly approved the list of members of the ad hoc committee (Appendix 1).

2. In anticipation of observing these early elections, and subject to receiving an invitation, the Bureau of the Assembly decided on 13 October 2023, to observe the early parliamentary elections in Serbia on 17 December 2023, to set up an ad hoc committee composed of 20 members (SOC-6; EPP/CD-6; ALDE-4; EC/DA-3; UEL-1), as well as 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. The Bureau of the Assembly appointed, by written consultation, Mr Stefan Schennach (Austria, SOC) as Chairperson.

3. 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.

4. A pre-electoral delegation was in Belgrade on 23 and 24 November 2023 to assess the pre-electoral climate. It met with a wide range of interlocutors and key electoral stakeholders. The delegation welcomed the efficient preparation of the elections and the high level of trust in the electoral administration. However, it noted a highly polarised campaign ahead of the early parliamentary elections, marked by an unprecedented level of negative campaigning and fearmongering, attacks against the opposition and journalists and serious issues related to the media (see its statement in Appendix 3).

5. The Assembly ad hoc committee ("PACE delegation") operated from 15 to 18 December 2023 as part of an international election observation mission (IEOM) together with delegations from the OSCE Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE PA), the European Parliament (EP) and the Election Observation Mission of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR EOM). The programme of the delegation's meetings is set out in Appendix 4.

6. The IEOM concluded that although Serbia's early parliamentary elections offered voters a choice between political alternatives and freedoms of expression and assembly were generally respected, the elections were marred by isolated instances of violence, procedural irregularities and frequent allegations of organising and bussing of voters to support the ruling party in local elections held the same day on

17 December 2023. Pressure on voters as well as the decisive involvement of the President and the ruling party's systemic advantages undermined the election process overall and created unjust conditions (see joint press release set out in Appendix 5).

## 2. Political context

7. Following the April 2022 early parliamentary elections,[1] the Serbia Progressive Party (SNS) received 120 out of 250 seats and the Socialist Party of Serbia (SPS) 31 while the opposition coalition "United for Victory of Serbia" won 38 seats. These elections secured a parliamentary majority for the ruling party SNS, chaired by President Vučić until May 2023 (which has been dominating the Serbian political landscape since 2012) and his coalition partners.

8. Following two mass shooting incidents in May 2023 (including in a primary school by a 13-year old perpetrator) that left 19 people killed and caused a trauma in society, mass demonstrations involving the representatives of opposition parties and civil society were organised every Saturday for 27 consecutive weeks under the slogan "Serbia against violence" in response to the alleged government inaction following the protesters' demand to curb the "culture of violence" that they claimed had thrived in the Serbian media and politics. As a result of this inaction, the opposition requested early elections as an "exit strategy" to the crisis. Strikes have also been carried out across various segments of the society, to demand economic and political reforms.

9. On 1 November 2023, citing demands from the opposition for early elections, the President dissolved the parliament and scheduled early parliamentary elections for 17 December 2023.

10. Since 2000 all but one parliamentary election in Serbia have been early elections. These were the third parliamentary elections in less than four years. The PACE delegation reiterates its regrets that the culture of early elections continues to prevail and shares the view of PACE monitoring co-rapporteur Axel Schäfer (Germany, SOC) that "the frequent organisation of elections at short intervals destabilises the functioning of democracy and State institutions".[2]

11. These elections unfolded amidst heightened social polarisation and intense competition among contrasting political agendas. In September 2023, tensions and instances of violence escalated in northern Kosovo*,[3] further amplifying the public debate on the situation in Kosovo. Furthermore, a number of concerns about the respect of freedom of expression and intimidation and harassment of civil activists, LGBTI, other human rights defenders and journalists remained unaddressed.

12. Following the sudden and simultaneous resignation of 65 mayors from the ruling party, including the Mayor of Belgrade and self-dissolution of the Assembly of the Autonomous region of Vojvodina, early local elections in a third of Serbia's municipalities and provincial elections were called at the same time on 17 December 2023. The pre-electoral delegation noted that the opposition saw these early elections as a tool for power consolidation and a misuse of the voting rights of local communities. Although the Assembly delegation was not invited to observe these local elections, it was not possible to ignore them (the election of Belgrade City Assembly being the most disputed ones) and the impact of electoral issues at local level on the overall electoral procedure.

## 3. Electoral system and legal framework

### *3.1. Legal electoral framework*

13. Serbia is a party to international and regional instruments related to the holding of democratic elections. The national legal framework for parliamentary elections is comprised of the 2006 Constitution, the 2022 Law on Election of Members of the Parliament, and other legislative acts, as well as instructions and decisions of the Republic Electoral Commission.

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1. The Parliamentary Assembly observed these early parliamentary elections. See Doc. 15534, "Observation of the early parliamentary and presidential elections in Serbia (3 April 2022)".
2. Serbia has been under PACE monitoring procedure since joining the Council of Europe on 3 April 2003. See the information note by the co-rapporteur on his fact-finding to Serbia (2-4 October 2023) (AS/Mon(2023)20).
3. *All references 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.

14. Serbia signed and ratified the European Convention on Human Rights (ETS No. 5) and its First Additional Protocol (ETS No. 9), which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, as well as prohibition of discrimination (Articles 10, 11 and 14 of the Convention). This implies the full implementation of decisions from the European Court of Human Rights in this field.

15. The 250 members of the parliament are elected for four-year terms from a single nationwide constituency through a closed list, under a proportional system. The mandates shall be allocated in accordance with the highest averages method (so-called D'Hondt method). Parties must receive at least 3% of the valid votes cast to qualify for proportional seat allocation. This requirement does not apply to the lists representing national minorities. This exemption is consistent with international standards that advocate for «effective participation of persons belonging to national minorities in […] public affairs».[4]

16. The election-related legislation was significantly revised in early 2022, following two inter-party dialogue processes[5] between the ruling parties and the opposition, and it remains largely unchanged since the 2022 elections. The government-led inter-agency Working Group on Co-ordination and Follow-up of the Implementation of Recommendations for the Improvement of the Electoral Process was reconstituted in March 2023; however, it reached limited progress in further addressing outstanding issues, with government interlocutors attributing this to the time constraints before the early elections. Several IEOM interlocutors cited insufficient will to address key problematic aspects of the electoral process and underlined the need for proper implementation of the existing legislation.

17. The Venice Commission and ODIHR issued, in December 2022, at the request of PACE Monitoring Committee, an opinion on "the constitutional and legal framework governing the functioning of democratic institutions in Serbia – Electoral law and electoral administration". The Joint Opinion included several specific recommendations for further improvement of the legal framework governing elections. It also recommended that the Serbian authorities evaluate the electoral framework after each election and, when needed, establish a system for preparation, consultation, and adoption of amendments to electoral legislation well before the next elections.[6]

18. While the legal framework provides an adequate basis for the conduct of democratic elections, several key issues remain outstanding, including those related to ensuring a level playing field, measures to prevent misuse of public office and State resources, separation between the official functions and campaign activities, and effective mechanisms to prevent intimidation and pressure on voters, including vote buying.

### *3.2. Gender equality*

19. According to Article 73 of the Law on Election of Members of the Parliament, «[t]here must be at least 40% of members of the under-represented sex on the electoral list.[7] All registered candidate lists complied with the requirement that among every five consecutive candidates, at least two must be of a different gender. Of the total 2 817 parliamentary candidates, 1 205 (43%) were women. Women headed two candidate lists (11%).[8]

20. Despite some efforts to promote women's participation, women remain generally under-represented in elected and appointed offices. Women were also under-represented in the election administration comprising only 31% of the Republic Electoral Commission's extended composition, some 43.6% of the local electoral commissions and 42% of the polling boards. The visibility of women as candidates was limited and issues related to gender equality were rarely addressed in the campaign events.

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4. Council of Europe's Framework Convention for the Protection of National Minorities (ETS No. 157), article 15.
5. 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 2021. 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.
6. Venice Commission and ODIHR, Joint opinion on the constitutional and legal framework governing the functioning of democratic institutions – Electoral law and electoral administration (CDL-AD(2022)046).
7. 2022 Law on Election of Members of the Parliament, Article 77.
8. Namely, Marinika Tepić (Serbia against violence) and Milica Đurđević Stamenkovski (Zavetnici)

21. The 2022 legal amendments to the election law mandate equitable gender representation and the inclusion of persons with disabilities in election administration bodies. However, due to the absence of an enforcement mechanism, these provisions were not proactively implemented.

## 4. Election administration, voters lists and registration of candidates

### *4.1. Election administration*

22. The early parliamentary elections were administered by a three-tier system, comprising the Republic Electoral Commission (REC), 166 Local Electoral Commissions (LECs) and 8 273 polling boards (PBs).

23. Due to the inability to form polling stations in the municipalities of the voters' residence, 5 LECs and 51 PBs were formed for voters residing in Kosovo in the city of Vranje and municipalities of Kuršumlija, Raška, and Tutin.

24. The REC is a permanent body in charge of organising elections, registering candidates, handling certain election-related complaints, and announcing the final results. It comprises 17 permanent and 18 additional members in its extended composition, nominated by electoral contestants. During the electoral process, the REC operates in its extended composition. Each registered electoral list submitter has the right to appoint a representative to serve as an extended REC member with the same rights and duties as permanent members.

25. Members of the election commissions are nominated by political parties, in proportion to their representation in the parliament and local assemblies. The composition of the REC is renewed each time a new legislature is elected within six months from the day of the constitution of the National Assembly.

26. Previous concerns raised by election observation missions remain valid as regards the composition of the election administration bodies which could lead to excessive politicisation to the detriment of their neutrality, thus putting into question their independence and impartiality.[9] The Venice Commission and ODIHR have therefore recommended «strengthening the professional background and expertise of its members, the balance between the parties supporting the government and the opposition, and the possible inclusion of independent members who are not directly appointed by the parties or who require a broad consensus for their nomination».[10]

27. The REC does not have its own service, but the Service of the National Assembly shall provide necessary expert, administrative and technical assistance during performance of its tasks. The Secretary of the REC, appointed by the National Assembly from the ranks of the experts employed within its Service, and a representative of the Statistical Office of the Republic of Serbia shall participate in the work of the Commission without the right of decision making.

28. The PBs are composed of three permanent members and their substitutes, as well as, in their extended composition, members and their substitutes nominated by the electoral contestants and appointed by the REC.

29. The REC conducted regular sessions open to media and observers, and streamed online, and published all its decisions within 24 hours, as required by law, contributing to transparency. The election administration efficiently and transparently conducted the electoral preparations, despite challenges posed by the short time-lines and concurrent local elections. Numerous stakeholders acknowledged the improved communication and transparency of the REC, leading to increased confidence in its work.

30. The law prescribes a responsibility of the REC to develop training programs and conduct training for members and deputy members of lower-level electoral management bodies. Contrary to previous ODIHR and Venice Commission recommendations,[11] participation in the training for polling board members was not made mandatory, and the high number of last-minute changes in their composition was of concern. The scope of voter education was limited, and primarily disseminated through digital platforms.

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9. CDL-AD(2022)046, op. cit., para. 53.
10. CDL-AD(2022)046, op. cit., para. 56.
11. The Venice Commission and ODIHR recommended that training of the LEC and PB members be reinforced, particularly during electoral periods, in order to allow the PB members, and particularly those of extended composition, to adequately fulfil their tasks (CDL-AD(2022)046, op. cit., para. 71.)

### *4.2. Voter lists*

31. The right to vote and be elected is granted to citizens who are over 18 years of age and have legal capacity. Restrictions on voting rights of citizens fully deprived of legal capacity through a court decision are at odds with international standards and previous ODIHR and Venice Commission recommendations.[12]

32. Voter registration is passive. The Unified Voter Register (UVR) is an electronic database maintained by the Ministry of Public Administration and Local Self-Government and continuously updated using records from municipalities, inputs from State institutions, and voters' requests.

33. Since 14 September 2023, citizens are able to verify and update their information in the voter register online and free of charge. The REC published voter registration data disaggregated per municipality and polling station, providing stakeholders with the opportunity for additional scrutiny.

34. The final number of voters stood at 6 500 666. While there were no concerns about the inclusiveness of the voter lists, allegations that numerous persons deceased, including abroad, remained in the register, along with claims of voter migration in connection with local elections, diminished trust in their accuracy.

35. The 2022 election law removed permanent residence as a prerequisite to vote, but the Law on the Unified Voter Register retained a requirement of permanent address for inclusion in the UVR. According to the Ministry of Public Administration and Local Self-Government, based on the clarification issued by the Ministry of Interior in September 2023, voters without an address are included in the voter list based on their last registered address. This may put an end to the widely reported practice of removing voters from the list when the Ministry of the Interior established that they were not permanently resident at the address under which they were registered.

36. Several shortcomings have been reported regarding the accuracy of the UVR and inconsistencies between the transparency requirements of the Law on the Unified Voter Register and the data protection legislation. The Venice Commission and ODIHR had recommended "(1) fully harmonising the laws on the Unified Voter Register and on Personal Data Protection, which should detail the scope of personal data of voters made public, and the secure and lawful access to these data; (2) considering the establishment of a mechanism for independent external monitoring of the registration of voters, by the REC or an ad hoc body with a clear mandate; (3) addressing concerns over the accuracy of voter lists, considering the conduct of an independent audit of the Unified Voter Register".[13]

### *4.3. Registration of candidates*

37. Any citizen who is eligible to vote can stand for the parliamentary elections.

38. Lists of candidates for parliamentary elections have to collect at least 10 000 notarised signatures of voters (5 000 for lists representing national minorities). The certification of each signature costs 30 RSD, which posed a financial burden on some smaller political parties. Parties, coalitions and groups of citizens have the right to nominate candidates.[14] Individual independent candidates are not permitted to contest the elections. 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.[15]

39. The registration of candidates lists was overall inclusive. The REC registered candidate lists from 18 political parties and contestants, including 7 representing national minorities,[16] and rejected the registration of two lists for deficiencies in nomination documents.[17] The REC inconsistently applied the criteria for considering national minority status while processing applications from lists that declared to represent national minorities.

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12. The Venice Commission and ODIHR, therefore, have recommended that the restrictions on suffrage rights based on intellectual or psychosocial disabilities be reconsidered in line with international obligations (CDL-AD(2022)046, op. cit., para. 35).
13. CDL-AD(2022)046, op. cit., para. 45.
14. Article 62 of the Law on Election of Members of the Parliament.
15. Article 71 of the Law on Election of Members of the Parliament.
16. The seven national minority candidate lists registered, represented the Albanian, Bosniak, Croat, Hungarian, Montenegrin, Russian, and Vlach national communities. No candidate list representing the Roma community applied for registration, despite it being the third largest minority in the country.

## 5. Election campaign and financing

### *5.1. Election campaign*

40. The campaign focused predominantly on economic issues and, to a lesser extent, on Serbia's EU accession policy and international relations, the status of Kosovo, and migration. While the ruling coalition highlighted its achievements, the opposition placed significant emphasis on calling for the ousting of the President, the fight against corruption, and prevention of violence, particularly in response to the May mass shootings.

41. Freedoms of expression and assembly were generally respected in the campaign, and the elections offered voters a choice between genuine political alternatives.

42. However, the overall subdued campaign was characterised by hardened polarisation, aggressive rhetoric, personal discreditation, verbal abuse and inflammatory language. Instances of pressure on public sector employees, misuse of public resources, and voter inducement schemes raised concerns about voters' ability to make a choice free from undue pressure. These practices, in addition to some challenges in accessing public venues for the opposition, tilted the playing field, and blurred the line between State and the party, at odds with international standards.

43. Moreover, the campaign was dominated by the incumbent President. President Vučić, while not a candidate for these elections, assumed a central role in campaigning through heavy involvement in SNS events, televised campaign appearances and billboards, providing an undue advantage to his party. Numerous opposition representatives raised concerns that the list of the SNS-led coalition ("Aleksandar Vučić - Serbia Must Not Stop") was named after Mr Vučić, which, along with the use of his name and image of the campaign, challenges the constitutional principle that the president needs to "express state unity of the Republic of Serbia".

### *5.2. Campaign financing*

44. The financing of the campaigns is primarily regulated by the 2022 Law on Financing Political Activities and the 2019 Law on Prevention of Corruption. This law provides for both public and private funding. It set limits with regard to the maximum value of private donations (10 average monthly salaries for natural person; 30 average monthly salaries for a legal entity). It also prohibits the collection of funds for a political entity.

45. Political parties represented in parliament receive annual public funding in proportion to their results in the last elections, which can be used for campaigns.[18] Campaigns may also be financed from monetary and in-kind donations, loans, membership fees, and other sources of private funding. Donations can only be made by bank transfer, and those exceeding one average monthly salary must be disclosed on the website of political parties within eight days of receipt.

46. The Agency for the Prevention of Corruption (APC) is responsible for the oversight over the finances of political parties and election campaigns.

47. The recent 2022 legislative changes improved regulation of campaign finance and addressed several ODIHR and Venice Commission recommendations. Among the new provisions introduced, there is the necessity for the parties and candidates to provide an interim report of the electoral expenditures prior to election day (in addition to the reporting in the course of the electoral process). Although it is a step forward, the interim report only covers the period until 15 days prior to the elections thus leaving the period immediately preceding the election uncovered. The amendments have also established a threshold for membership fees.

48. Political parties are required to report their campaign income and expenditures, including online, to the APC first no later than seven days before election day, and second, within 30 days of the publication of election results; these reports are to be published on the APC website. Prior to election day, the APC

17. The "Russian Minority Alliance" list was rejected due to the ineligibility of one of its candidates and other reasons, including the submission of support signatures without proper certification. The "Enough! European Path" list was rejected due to an insufficient number of support signatures. Both parties appealed to the Administrative Court that upheld the REC decisions.

18. In past elections, many interlocutors denounced the late disbursement of funds for the campaign, which undermined the possibility of effective campaigning and contributed to an uneven playing field.

published 14 interim reports, providing additional information for scrutiny for voters. The APC is mandated to report on its control of campaign expenditures within 120 days of the submission of final reports by the political entities.

49. The 2022 amendments have assigned increased responsibilities to the APC. For these elections, the Agency deployed 144 field monitors to collect information on campaign expenditures, enabling it to compare the expenses reported in the final reports with its own field data. However, several ODIHR interlocutors expressed a low level of confidence in the ability of APC to detect and react to possible campaign finance violations.[19][20]

50. Regretfully, prior recommendations including those pertaining to the improvement of the oversight mechanism and introduction of a campaign expenditure limit[21] remain unaddressed, which reduces transparency of the oversight and facilitates high campaign spending. The failure to provide for expenditure limits in Serbia's electoral legislation, while not contrary to international standards, is a shortcoming that jeopardises the objective of ensuring a level playing field. Moreover, the lack of regulation on spending by third parties leaves room for circumvention of campaign finance rules.

### *5.3. Misuse of administrative resources*

51. Misuse of administrative resources remains an issue, as noted in the Venice Commission and ODIHR recent opinion.[22] International bodies have recommended to Serbia to improve the regulation and strengthen the effective implementation of the regulation in force through dissuasive sanctions, including disqualification and loss of office.

52. These concerns were again voiced during these elections by a number of political parties met by ODIHR over the unfair advantage gained by the ruling party through budgetary allocations to different categories of voters, including pensioners and students, perceived as an attempt to influence voter behaviour prior to elections.[23]

53. The APC is authorised to investigate the potential misuse of public offices for campaigning in breach of the Law on Prevention of Corruption, but its warnings are not made public while heavier sanctions are published only after the conclusion of the administrative appeal process, which remains lengthy, limiting the effectiveness of this remedy, despite a prior ODIHR and Venice Commission recommendation. The APC has investigated over 30 such cases but did not publish any decisions before election day. The lack of public intervention by the APC regarding misuse of public offices reduced the dissuasive effect of its sanctions.

54. The law also establishes an ad hoc Committee for Campaign Oversight, which may issue public statements on campaign violations. However, this committee lacks the mandate to address individual complaints, and its appointment formula guarantees a majority for the ruling political parties. Before election day, the committee issued two statements urging contestants to act with integrity. It did not endorse a member’s proposal to issue a statement concerning President Vučić’s involvement in the campaign.

## 6. Media environment

55. Television remains the primary source of information, followed by online media and social networks. Despite the large number of media, the diversity of views is reduced by significant polarisation and a strong influence of the government on most outlets. There are persistent concerns about excessive government control of the media landscape.[24]

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19. ODIHR, Republic of Serbia, Early Parliamentary Elections, Needs Assessment Mission Report (ODIHR 2023 NAM report), 2023, page 10.
20. In this respect, the Venice Commission and ODIHR have recommended that the law provides for clearer regulation of the procedures of the APC, including clearly defined and expedited deadlines to respond to alleged violations and the obligation to resolve them by means of legally substantiated resolutions. CDL-AD(2022)046, op. cit., para. 104.
21. As recommended by the Venice Commission and ODIHR, see CDL-AD(2022)046, op. cit., para. 97.
22. CDL-AD(2022)046, op. cit., para. 116.
23. ODIHR 2023 NAM Report, op. cit., page 9. According to assessment provided by Transparency International Serbia, extraordinary social grants and the distribution of money to certain categories of citizens (pensioners, high school students, students, people receiving social assistance, mothers, children under 16, demented, blind, severely ill, employees of the largest State-owned company Elektroprivreda Srbije and the company Pro TENT) during the campaign amounted to around 400 million euros.

56. The Law on Election of Members of the Parliament gathers the rules concerning the election campaign, according to which citizens have the right to be informed through public service media about electoral programs and activities of candidates and parties/coalitions.

57. On 26 October 2023, following extensive consultations with relevant stakeholders, the National Assembly of the Republic of Serbia adopted the Law on Public Information and Media and the Law on Electronic Media, which came into effect on 4 November 2023. The laws, *inter alia*, introduced positive changes, providing a new definition of political advertisement, and introducing provisions aimed at preventing censorship and undue interference in the work of media service providers, as well as measures to strengthen the independence of the Regulatory Authority for Electronic Media (these measures will apply to the re-election of the Authority members). However, the new laws permit State-owned telecommunication companies to own media outlets, which could result in an increased State influence over the media.

58. The Law on Electronic Media adopted on 26 October 2023 has extended the ban on the media coverage of opening or inaugurating events of projects of public benefit by State officials, who are also candidates, to a period of 30 days prior to election day, following a Venice Commission recommendation, which is to be welcomed. However, the extensive promotion of governmental infrastructure projects during the campaign period by public officials who were not candidates tilted the level playing field.

59. The law obliges all public broadcasters to provide information about the contestants in a non-discriminatory and objective manner. Public service media must ensure equal reporting about all contestants and provide them with equal airtime to present their platforms.

60. All national channels monitored by ODIHR covered campaign activities of the election contestants in line with the law, providing equal airtime to contestants. The ruling parties and positive coverage of the President however dominated the media. The President and the ruling party combined featured in 91% of the non-election related newscasts on national channels. More than a half of their coverage was in a positive tone, while the opposition was often portrayed in a negative tone on TV Pink and B92. The absence of genuine analytical reporting on most monitored media impacted voters' opportunity to make an informed choice. The opposition highlighted their persistent lack of access to broadcasters in presenting their views prior to the elections.

61. The IEOM received numerous reports about journalists critical of the government being subjected to verbal insults, including by State officials, as well as co-ordinated attacks by pro-government media. Several journalists, particularly from the regions, reported threats and enduring pressure and intimidation, including targeted legal actions.

62. The oversight body Regulatory Authority for Electronic Media (REM) maintained a notably passive approach to regulating media conduct during the campaign. The Authority did not publish any monitoring results during the campaign, nor did it initiate any procedures based on these results. It did not issue, prior to election day, any public responses to the 22 complaints received, arguing that complaints cannot be addressed in an expedited manner, which continued to significantly undermine its effectiveness. In its current composition, the REM enjoyed limited public trust in its independence and efficiency. Regretfully, no representative from the REM was willing to meet either the pre-electoral delegation in November 2023 nor the international observers from PACE and OSCE PA in the eve of the elections.

### 7. Complaints and appeals

63. The REC is competent to deal with the complaints filed by voters, candidates and submitters of candidate lists when it concerns decisions, lack of decision or inaction from any electoral commission.[25] The submitter has to file the complaint within 72 hours following the expiration of the period in which the decision was rendered or should have been rendered or within which the action should have been taken. The REC has 72 hours to issue and publish its decision. Regarding the complaints on election results, the submitter has to file the complaint to the REC within 72 hours from the closing of the concerned polling station(s).

64. An appeal is possible to the Administrative Court which acts as final jurisdiction. The REC has 24 hours to forward the appeal to the Administrative Court, which has 72 hours to render its decision.

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24. PACE monitor Axel Schäfer underlined that the state of freedom of expression and media freedom remained a matter of concern due to the State monopolisation of the majority of media outlets as well as the harassment of journalists expressing critical views or investigating cases of corruption and organised crime. AS/Mon(2023)20.
25. Article 150 of the Law on Election of Members of the Parliament.

65. The February 2022 legislative changes addressed a number of previous Venice Commission and ODIHR recommendations to enhance the effectiveness of dispute resolution, including allowing voters registered in a polling station to file complaints and extending the timeframes for filing and reviewing complaints, requiring publication of all decisions of REC and LECs within 24 hours and introducing a possibility to challenge PB results protocols and LEC decisions on tabulation of results.

66. Electoral disputes may also be brought before the Constitutional Court when all other legal remedies have been exhausted. The Constitutional Court is empowered to annul elections if it finds irregularities that may have influenced the result. Complaints on campaign finance irregularities and the misuse of administrative resources may be filed with the APC. The police, the Prosecutor, the Ombudsman and the Commissioner for Personal Data Protection may also deal with election-related cases upon a complaint.

67. The REC handled 23 complaints before election day, primarily related to the registration or rejection of candidate lists. All complaints were considered within the deadlines and in public sessions. The register of complaints and appeals, maintained on the REC website, was regularly updated and included LEC decisions and appeals, contributing to the transparency of the electoral dispute resolution and addressing a prior ODIHR recommendation.

68. The Administrative Court upheld all seven REC decisions that were appealed to it. The Court's decisions were reasoned and timely published on its website. Some IEOM interlocutors opined that election commissions and courts are potentially susceptible to political influence, and therefore, they had limited trust in the impartial resolution of their complaints.[26]

69. Complaints against misuse of public resources and office in election campaigns are submitted to the APC. The law also establishes an ad hoc Committee for Campaign Oversight, which may issue public statements on campaign violations. Both instances however had limited effect in addressing complaints related to misuse of administrative resources (see section 5.3).

## 8. Citizen and international observers

70. The electoral legislation explicitly provides citizen and international observation. Civil society organisations registered with a statutory purpose related to elections may nominate observers up until seven days prior to the elections, while a deadline of ten days prior to elections applies to international observers.

71. The Center for Free Elections and Democracy (CeSID) and the Center for Research, Transparency and Accountability (CRTA) carried out nation-wide long-term observation. Other organisations, such as the Bureau for Social Research (BIRODI) and Transparency International, examined various aspects of the process, including conducting media monitoring and analysing campaign finance.

72. The REC proceeded to the swift and smooth accreditation of the PACE delegation and other international observers and made all arrangements for its Head of delegation to observe voting in the prison of Sremska Mitrovica.

73. The REC accredited a total of 5 112 observers from 9 civil society organisations and 475 international observers from 25 organisations. Citizen observers monitored the process in one out of four polling stations. All this contributed to the transparency of the electoral process. Several civil society organisations however noted to the IEOM a climate of pressure and a diminishing space for civic activities.

## 9. Election Day

74. The turnout on election day was of 58,58%, according to the figures published by REC on 17 December 2023.

75. On election day the PACE delegation split into 11 teams and observed the voting in Belgrad and its surroundings, as well as in Novi Sad, Niš, Šabac, Pancevo and Sremska Mitrovica (including in its prison).

76. Lack of secrecy in some polling stations, queues in front of some polling stations, small (sometimes overcrowded) premises and lack of access for disabled voters were mentioned by several teams. In one place, muscled men were seen strolling from one polling station to another in a school building. In another

26. For the Venice Commission and ODIHR, the 2022 constitutional amendments to strengthen the independence of the judiciary may, in the future, contribute to improve public trust in the electoral process. CDL-AD(2022)046, op. cit., para. 150.

place, such men were staying outside the polling station, potentially influencing voters. In one polling station, one woman showed six slips to vote received at her address, while asserting that these individuals were not living there. One team witnessed the bussing of individuals from Bosnia and Herzegovina to the Štark Arena.[27] Tensions during the counting were recorded in one polling station, while in another polling station, three copy printed (and stamped) ballot papers, but with a slightly different colour, were stuffed in the ballot box and put aside by the polling board after many discussions. One chair of a polling board approached PACE observers complaining about pressure being put on voters to come and vote.

77. At the level of the IEOM observers, the voting was positively assessed in 93% of the 1 220 polling stations observed.

78. Election day was generally orderly but there were isolated incidents of physical attacks. A vehicle belonging to CRTA observers was damaged in Odzaci, and there were assaults on polling board members and an activist.

79. There were multiple allegations of voters living abroad being organised and bused by the ruling party in order to cast their ballots for local elections in Belgrade. By law, providing bus transport to voters is not prohibited, except when it is provided in exchange for votes.

80. CRTA has raised credible suspicion of identified instances of organised transportation of voters, supervised voting, [and] possible identity manipulation of voters in 71 polling stations, or 14% of polling stations in Belgrade, and that organised voters' migration[28] occurred "on a scale that decisively influenced the outcome of the very close elections for the Belgrade City Assembly".[29] The Prime Minister denied any wrongdoing in this regard in a social media post.

81. Negative assessments made by IEOM observers were primarily attributed to overcrowding and inadequate measures to ensure secrecy of the vote, at odds with long-standing ODIHR and Venice Commission recommendations, as well as group or family voting in some 19% of polling stations. Serious irregularities observed included vote buying (9 cases), ballot box stuffing (5 cases), and the presence of unauthorised persons monitoring voter turnout (14 cases). The IEOM also witnessed voters taking photos of their ballots (22 instances) and 20 attempts to influence voters in their choice.

82. Additional procedural shortcomings (such as ballot boxes not being properly sealed, inconsistent verification of voters' identities or improper checking of voters' fingers for invisible ink) were noted in 39% of the observations, primarily due to PB members' improper implementation of procedures, potentially indicative of the lack of adequate training. Unauthorised persons were present at polling stations in 3% of the observations, at times with an intimidating presence.

83. In 9% of the observations, mainly due to the small size of premises, the layout of polling stations was not adequate for voting. This, combined with the large number of PB members, led to overcrowding in 10% of the observations. Some 60% of the polling stations lacked independent access for persons with physical disabilities, and in 25%, the layout was not accommodating for such voters, despite efforts to improve accessibility.

84. Shortly after the closure of the polls, the REC began publishing electoral results by polling station. Prime Minister Ana Brnabić declared victory for SNS at 21:30 for the ruling party based on projections from unofficial data. Shortly thereafter, the REC chairperson conducted a press briefing and shared partial preliminary election results.

85. The REC decided to repeat the vote for the early parliamentary elections in 35 polling stations.[30] However the opposition announced that they would not take part in it, considering that all elections should be repeated. Early parliamentary elections were also repeated in 8 polling stations in five Serbian municipalities on 2 January 2024.

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27. According to domestic observers, this place was purportedly being used as a hub for organising voters registered in Belgrade, https://crta.rs/en/the-results-of-the-belgrade-elections/.
28. CRTA defines organised voter migration as "a form of electoral engineering that is neither legal nor legitimate. By registering fictitious residences for the purpose of voting in local elections outside one's own city or municipality, laws regulating citizens' residencies are violated, thus endangering the principles of electoral equality and the guaranteed right of citizens to choose their local self-government." https://crta.rs/en/the-results-of-the-belgrade-elections/.
29. https://crta.rs/en/preliminary-statement-on-organized-voter-migration/
30. www.rik.parlament.gov.rs/vest/en/3263/press-release.php.

86. 86. On 12 January 2024, the REC published the results of the elections, leading to the victory of the ruling party SNS in the parliamentary elections, with the following results in the 8 273 polling stations:

– "Aleksandar Vučić - Serbia Must Not Stop", Serbian Progressive Party (SNS): 46.75% of the votes cast (1,783,701 votes) - 129 seats (out of 250)

– "Serbia Against Violence" opposition coalition: 23.66% (902 450 votes) - 65 seats

– "Ivica Dačić - Prime Minister of Serbia", Socialist Party of Serbia (SPS): 6.55% (249 916 votes) - 18 seats

– The opposition NADA coalition: 5.02% (191 431 votes) - 13 seats

– "We - Voice from the People", led by Branimir Nestorovic: 4.69% (178 830 votes) - 13 seats

– Alliance of Vojvodina Hungarians (64 747 votes) - 6 seats

– Usame Zukorlic – Tomislav Zigmanov coalition (29 066 votes) - 2 seats

– SDA Sandzak – Dr Sulejman Ugljanin (21 827 votes) - 2 seats

– Saip Kamberi Political Fight of Albanians (13 501) - 2 seats

– Russian Party (11 369 votes) - 1 seat.

87. Other lists (other than the list of national minorities) did not pass the 3% threshold. These included the coalition "National Gathering" of the two extreme right parties Dveri (Doors) and Zavetnici (The Oathkeepers) (2.76%), Vojislav Seselj's Serbian Radical Party, led by (1,46%), Saša Radulović-Boris Tadić's "Good morning" coalition (1,18%) and Vuk Jeremic's People's Party (0.88%).

## 10. Post-electoral developments

88. The results of the elections, especially the local elections in Belgrade, were challenged by the opposition, leading to large demonstrations initiated by the party "Serbia against violence" or the non partisan association ProGlas. The leader of "Serbia against violence" Marninka Tepić, later joined by other opposition members, conducted a 13-day hunger strike. A group of university students initiated a 24-hour road closure in the capital. A protest on 24 December 2023 turned violent when protesters stormed the Belgrade City Assembly, after which police arrested 38 people, including students, who were prosecuted for challenging the constitutional order. Several demonstrators claimed that covered hooligans had infiltrated the demonstrations, while denouncing the use of disproportionate violence by the police.

89. The President and the Prime Minister rejected allegations of any election fraud, called demonstrators "thugs", and targeted international observers, including the PACE head of delegation, for their statements made after the release of the IEOM findings, which is wholly inappropriate. The authorities, while thanking Russia for tipping it off in advance of protests, also claimed that the West was encouraging the protests.

90. On 23 December 2023, the REC considered the evidence submitted by the coalition "Serbia against violence" and its demand to call and conduct a new election for the Belgrade City Assembly. The REC declared itself incompetent to respond to this demand but, reacting to the allegations of abuse of registration, requested the Ministry of Public Administration and Local Self-Government and the Ministry of the Interior to check the registration in the Unified Voters Register and the registration of residence for voters who were called to vote in the elections held on 17 December 2023.[31]

91. In Belgrade, the local electoral commission announced that the ruling SNS won 39% of the votes (49 out of the 110 seats in the City Assembly), while "Serbia Against Violence" won 34% (43 seats). The opposition has announced further protests, calling for the repeat of the elections and demanding an international investigation, which was ruled out by President Vučić.

92. The Congress of local and regional authorities of the Council of Europe has reacted to these events: its spokesperson on observation of local and regional elections, Stewart Dickson, expressed his grave concern about the serious irregularities reported and called on the Serbian authorities to address all alleged cases of

31. The information requests submitted to the ministries included the number of voters registered in the Single Electoral Roll by year of registration, namely the number of voters who have effective residence at the addresses specified in the contested calls to vote, as well as information on the effective residence of those voters determined by the Ministry of the Interior not to have the place of residence at the addresses on the call, www.rik.parlament.gov.rs/vest/en/3229/40th-session-of-the-republic-electoral-commission.php.

violations of the electoral process at the local level and make due and diligent investigation.[32] On 27 December, Mr Dickson was asked by the Congress President Marc Cools to carry out a visit to Belgrade early in the new year to meet with the authorities of Serbia in order to discuss improvements to the electoral process and the urgent reforms needed to combat any potential fraud.

## 11. Conclusions and recommendations

93. Serbia's early parliamentary elections offered voters a choice between political alternatives and freedoms of expression and assembly were generally respected, however the elections were characterised by unjust conditions, and marred by procedural irregularities and frequent allegations of organising and bussing of voters to support the ruling party in local elections.

94. The PACE delegation recalls that an election and its observation involve not only the polling day, but constitute a process involving several stages, all of which need to be analysed and evaluated in order to assess the entire electoral process.

95. The international election observation mission concluded that:

– the early parliamentary elections, though technically well administered and offering voters a choice of political alternatives, were dominated by the decisive involvement of the President which together with the ruling party's systemic advantages created unjust conditions;

– election day was smoothly conducted but was marked by numerous procedural deficiencies, including inconsistent application of safeguards during voting and counting, frequent instances of overcrowding, breaches in secrecy of the vote, and numerous instances of group voting;[33]

– the frequency of early elections has further eroded public confidence in the functioning of democratic institutions and, together with the lack of political will, left needed reforms unaddressed;

– fundamental freedoms were generally respected in the campaign, but that the latter was marred by harsh rhetoric, bias in the media, pressure on public sector employees and misuse of public resources. Media covered all electoral contestants, but most national broadcasters lacked genuine analytical reporting, detracting from the voters' ability to make an informed choice;

– the under-representation of women in the campaign demonstrates a need for greater commitment to ensure adequate involvement in political life;

– the work of the Republic Electoral Commission benefited from improved communication and transparency, leading to increased confidence in its work;

– the oversight bodies for campaign and electronic media however remained largely ineffective in deterring violations during the election period.

96. Based on its findings, the PACE delegation notes with concern that a number of irregularities and shortcomings are recurrent and deeply rooted issues and need to be dealt with by the country's authorities as soon as possible.

97. The delegation finds it also most regrettable and inappropriate that the PACE head of delegation and another observer from the IEOM have been targeted by high officials, as well as by pro-government media, and accused of "destabilising the country" for their evaluation of the elections following the release of the IEOM findings.

98. The delegation stresses that the prevailing "culture of early elections" and instrumentalisation of electoral cycles prevent the democratic institutions of the country to function correctly and deliver properly: this third parliamentary election in a row within a four-year period – all but one of Serbia's parliamentary elections since 2000 having been snap elections – further negatively impacts the functioning of democratic institutions and independent State institutions.

99. These frequent elections also hamper the efficient autonomous functioning of the parliament: prematurely terminating parliamentary mandates does not allow parliaments to prepare thorough and inclusive legislation. It stranded the country in a semi-permanent campaign period and hampers the full

32. www.coe.int/en/web/congress/-/council-of-europe-congress-concerned-about-the-local-elections-in-serbia.
33. IEOM Statement of preliminary findings and conclusions, 18 December 2023.

implementation of laws and control of the executive, which are key in a parliamentary democracy. This undermines public trust in democratic institutions and electoral processes, thus nurturing democratic backsliding.

100. The delegation also underlines recurrent and systemic conditions that have created unfair electoral conditions:

– the decisive role played by the President – who was not a candidate – in all electoral processes, at all levels, was of concern, whereas the constitution of Serbia's parliamentary democracy calls for the president to be a neutral figure who shall "express State unity of the Republic of Serbia". The use of the name and symbolic value of the presidential figure in the campaign, his overwhelming presence in media with laudatory or favourable coverage and unlimited support clearly provided his party with an undue advantage;

– substantial changes and improvements of the campaign finance framework is needed, including by introducing clear regulations on online campaigning, limits on campaign spending and regulations of third parties in election campaign, in line with the Venice Commission and ODIHR recommendations;

– the biased media coverage, and the overall media situation in Serbia, have seriously hampered the ability of all political parties to deliver their messages not only during the campaign, but also between elections.

101. The PACE delegation (and pre-electoral delegation) were informed about credible allegations of vote manipulation, including voter migration (especially citizens from the Republika Srpska of Bosnia and Herzegovina holding Serbian citizenship) and phantom voters, which have triggered post-electoral protests. Such suspicions and alleged irregularities must be seriously addressed, investigated in a transparent and inclusive manner, and redressed. These allegations, which primarily concerned the local elections, have also clearly impacted the overall trust in the electoral processes, including at parliamentary level.

102. The delegation therefore encourages the Serbian authorities to:

– show strong and genuine political will to address key problematic aspects of the electoral process and proper implementation of the existing legislation;

– implement the recommendations for further improvement of the legal framework governing elections issued by the Venice Commission and ODIHR in their December 2022 Joint Opinion, in particular by conducting a full audit of the Unified Voter Register, in line with a long-standing ODIHR and Venice Commission recommendation;[34]

– make meaningful and credible changes to the election laws to prevent organised voter migrations;

– ensure that the country's independent and supervisory institutions, especially the Regulatory Authority for Electronic Media and the Agency for the Prevention of Corruption, play a pro-active role in ensuring fair elections conditions.

103. On the positive side, the delegation notes improvement in the work and transparency of the Republic Electoral Commission. This Commission – which, in the eye of the public, is the main institution liable for the good conduct and validation of the elections – has a key role to play in restoring public confidence in electoral processes and should take an assertive role in this respect. It should also be encouraged to develop mandatory training for the electoral administration and promote meaningful campaign for voters' education.

104. The delegation fully supports the upcoming visit of the Congress of local and regional authorities to the country, in order to address electoral issues pertaining to local elections and the electoral environment governing local elections and allegations of frauds and to discuss with the authorities ways to improve the legislation and practice in this respect, especially ahead of further local elections planned in 2024 in Serbia.

105. The delegation encourages the Serbian authorities to organise a post-electoral seminar with international observers to discuss the issues of concerns and ways to improve the legal framework and practices, in line with Serbia's obligations as a member State of the Council of Europe, in close co-operation with the Organisation, including the Venice Commission and the Group of States against Corruption (GRECO).

34. CDL-AD(2022)046, op. cit., para. 45.

106. The Assembly stands ready to work with the Serbian authorities to address the issues highlighted, guided by the Reykjavík Principles of Democracy adopted at the Reykjavík Summit of Heads of State and Government. This work should be carried out 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 (* members of the pre-election delegation):

**Chairperson: Mr Stefan SCHENNACH**

**Socialists, Democrats and Greens Group (SOC)**

– Mr Stefan SCHENNACH, Austria*
– Mr Pierre-Alain FRIDEZ, Switzerland
– Mr Givi MIKANADZE, Georgia
– Mr Yunus EMRE, Türkiye
– Mr Antonio GUTIÉRREZ LIMONES, Spain
– Ms Gökçe GÖKÇEN, Türkiye

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

– Ms Jorida TABAKU, Albania
– Mr Pauli AALTO-SETÄLÄ, Finland
– Mr Andreas NIKOLAKOPOULOS, Greece
– Mr Georgios STAMATIS, Greece
– Mr Corneliu-Mugurel COZMANCIUC, Romania*

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

– Ms Tamara VONTA, Slovenia*
– Mr Mehmet AKALIN, Türkiye
– Mr Sjoerd WARMERDAM, Netherlands
– Ms Liliana TANGUY, France
– Mr Dean PREMIK, Slovenia
– Mr Jean-Pierre GRIN, Switzerland

**European Conservatives Group and Democratic Alliance (EC/DA)**

– Mr José María SÁNCHEZ GARCÍA, Spain
– Mr Harald WEYEL, Germany

**Group of the Unified European Left (UEL)**

– Ms Laura CASTEL, Spain*

**Venice Commission**

– Mr Óscar SÁNCHEZ MUÑOZ, Substitute member, Spain
– Mr Michael JANSSEN, Administrator, Venice Commission

**Secretariat**

– Ms Sylvie AFFHOLDER, Secretary of the ad hoc committee, Head of the Election Observation and Support Division

– Ms Carine ROLLER-KAUFMAN, Assistant, Election Observation and Support Division

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

**Thursday, 23 November 2023**

9:00-10:00 Delegation meeting with introductory words:
- Welcome by the Head of the delegation, Stefan Schennach
- Nadia Cuk, acting Head of the Council of Europe Office in Belgrade
- Practical information from the secretariat

10:00-11:00 Meeting with members of the diplomatic corps:
- Christian Ebner, Ambassador of Austria
- Damjan Bergant, Ambassador of Slovenia
- Raul Bartolomé Molina, Ambassador of Spain
- Dario Otero, Deputy Head of mission, Embassy of Spain
- Anca Popa, Deputy Head of Mission, Embassy of Romania
- Plamena Halacheva, Deputy Head of Mission, Delegation of the European Union to Serbia

11:00-12:30 Meeting with Ambassador Albert Jónsson, Head of the OSCE/ODIHR Election Observation Mission, Marcell Nagy, Deputy Head of Mission, and members of the core team:
- Introduction – Ambassador Albert Jónsson
- Political Context and Campaign – Daniela Bottigelli, Political Analyst
- Legal Framework, Electoral System, Campaign Finance, Complaints and Appeals – Vasil Vaschanka, Legal Analyst
- Election Administration, Voter and Candidate Registration – Oleksiy Lychkovakh, Election Analyst
- Media Landscape – Kira Kalinina, Media Analyst
- Questions and Answers – ODIHR analysts, Marcell Nagy, and Katarzyna Witt, Security Expert

14:30-15:30 Meeting with representatives of civil society:
- Rasa Nedeljkov, Head of the Center for Research, Transparency and Accountability (CRTA) election mission
- Tamara Brankovic, Deputy Head of the CRTA election mission
- Pavle Dimitrijevic, Head of the CRTA legal team

15:30-16:00 Meeting with representatives of the civil society (cont'd):
- Sonja Biserko, Helsinki Committee for Human Rights in Serbia
- Zlata Djordjević, Researcher, Transparency International Serbia

16:00-17:00 Meeting with journalists and representatives of media associations:
- Igor Božić, N1
- Slobodan Radičević, President of the Executive Board, Journalists' Association of Serbia (UNS)
- Željko Bodrožić, President, Independent Journalists' Association of Serbia (NUNS)

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17:00-17:30 Meeting with leaders and representatives of main non-parliamentary parties:
- Duško Lopandić, Deputy President, Serbia Center – SRCE
- Nikola Lazić, member of the presidency, Serbia Center – SRCE
- Stefan Janjić, Secretary, Serbia Center – SRCE

**Friday, 24 November 2023**

09:30-10:15 Meeting with Vladimir Orlić, Speaker of the National Assembly of the Republic of Serbia

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| 10:15-11:15 | Meeting with representatives of the parliamentary groups of the majority:<br>– Milenko Jovanov, AV–ZMS (Aleksandar Vučić – Serbia Must Not Stop)<br>– Snežana Paunović, SPS (Socialist Party of Serbia)<br>– Jasmina Karanac, SDPS (Social Democratic Party of Serbia)<br>– Dragan Marković, PUPS (Party of United Pensioners, Farmers, and Proletarians of Serbia – Solidarity and Justice)<br>– Milija Miletić, For Reconciliation – SPP (Justice and Reconciliation Party)<br>– Života Starčević, JS (United Serbia)<br>– Elvira Kovacs, VMSZ/SVM (Alliance of Vojvodina Hungarians) |
| 11.15-12.15 | Meeting with the representatives of the groups of the opposition:<br>– Ksenija Marković, Democratic Party – DS<br>– Nebojša Zelenović, Together<br>– Jelena Jerinić, ZLF (Green-Left Front)<br>– Milinika Nikolić, Independents |
| 15:30-16:30 | Meeting with the Republic Electoral Commission:<br>– Vladimir Dimitriević, Chairperson<br>– Tanasije Marinković, Member<br>– Srdan Smiljanić, Secretary<br>– Dragana Odović, Deputy Secretary<br>– Milan Culjković, Advisor |
| 17:00-18:30 | Debriefing meeting of the pre-electoral delegation and preparation of the statement |

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

**Serbia early parliamentary elections: PACE pre-electoral observers note highly polarised campaign, urge measures ahead of vote**

27 November 2023 – A team of PACE pre-election observers, ending a two-day visit to Serbia, has noted a highly polarised campaign ahead of next month's early parliamentary elections, marked by an unprecedented level of negative campaigning and fearmongering, attacks against the opposition and journalists and serious issues related to the media. However, it welcomed the efficient preparation of the elections and the high level of trust in the electoral administration so far, while urging the authorities to take measures to alleviate an unlevel playing field and protect the integrity of the electoral process.

The four-member,[1] cross-party delegation, headed by Stefan Schennach (Austria, SOC), was in Belgrade on 23-24 November to assess preparations for the early elections, during which it met election officials, party representatives, journalists and civil society groups, as well as the ODIHR mission and diplomats.

The delegation was informed about the situation of the media, which are key in an electoral campaign: while positive advances were acknowledged after the recent adoption of media laws, the delegation was particularly concerned to hear about the direct and indirect influence exerted by the ruling party on mainstream national and local media, significant inequalities in the access of political entities to the media space, self-censorship and disinformation. The delegation was also alarmed to hear of inflammatory rhetoric, including by high-level officials, and hate speech, as well as the negative tone and pressure being used against opposition members, journalists and civil society activists. The delegation urges all contestants and officials to refrain from such divisive and defamatory rhetoric and recalls that voters require pluralistic, fact-based information if they are to make an enlightened choice.

The delegation took note of the confidence of most interlocutors in the electoral administration, and noted the arrangements found by the Republic Electoral Commission to install polling stations in central Serbia for possible voting of Serbian citizens residing in Kosovo*. The delegation was informed of serious concerns and allegations related to "phantom voters", falsified signatures supporting candidates, the possible migration of voters to take part in consecutive local elections, abuse of administrative resources, pressure on public company employees and civil servants, timely handling of electoral complaints by courts, and the limited space made available for opposition contestants to campaign at local level. The dominant presence of the President of the Republic in the media, campaign and electoral lists at all levels was also mentioned as an issue of concern: the activities of the President, not running in these elections, could indeed confuse voters and are not subject to campaign rules, the delegation was told. The delegation expects the authorities to tackle these issues before the elections.

The delegation stressed that this was the third early parliamentary election in a row within a four-year period – all but one of Serbia's parliamentary elections since 2000 having been snap elections – which further negatively impacts the functioning of democratic institutions, including the parliament and independent State institutions; it strands the country in a semi-permanent campaign period, and hampers the full implementation of laws and control of the executive.

In this context, the delegation also noted that two tragic mass shootings in May 2023, including by a 13-year-old boy (19 fatalities, mostly young people) was a shock for the country. It triggered large protests under the slogan "Serbia against violence" demanding action to counteract the prevailing culture of violence in the country, thus prompting the opposition to demand early elections which they see as an exit strategy following the response of state institutions, deemed to have been unsatisfactory.

The delegation was also informed that the unexpected and simultaneous resignation of 65 mayors from the ruling party, including the Mayor of Belgrade – which led to the conduct of early elections in a third of municipalities – and the auto-dissolution of the Assembly of the Autonomous Province of Vojvodina, are seen by the opposition as a tool for power consolidation and a misuse of the voting rights of local communities. The delegation regrets this instrumentalisation of electoral cycles, which undermines people's trust in democracy, elections and politics; in this context, it welcomes civil society initiatives, such as ProGlas, encouraging citizens to go and vote, the mobilisation and training of domestic observers and initiatives to promote women's participation in public life and elections. The delegation expects the authorities to ensure that these positive initiatives can take place in fair conditions, without undue obstacles or pressure.

A full-fledged PACE delegation of 21 members, accompanied by legal experts from the Venice Commission, will travel to Serbia to observe the vote on 17 December 2023 in the framework of the International Election Observation Mission. The Assembly will debate its conclusions in due course.

PACE – which brings together parliamentarians from 46 European nations – has observed all elections in Serbia since 2000 (with the exception of the 2020 parliamentary elections).

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Composition of the delegation: Stefan Schennach (Austria, SOC), head of the delegation; Corneliu-Mugurel Cozmanciuc (Romania, EPP/CD); Tamara Vonta (Slovenia, ALDE) and Laura Castel (Spain, UEL).

*All references 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.

**Appendix 4 – Programme of the meetings of the International Electoral Observation Mission**

**Friday, 15 December 2023**

08:30-09:30 PACE delegation meeting:
- Welcome by the Head of the delegation, Stefan Schennach
- Presentation of the pre-electoral mission by its members
- Presentation by Óscar Sánchez Muñoz, member of the Venice Commission
- Practical information from the secretariat

10:00-10:20 Welcome and Introductory remarks:
- Reinhold Lopatka, Special Coordinator and leader of the short-term OSCE observer mission
- Stefan Schennach, Head of the PACE Delegation
- Klemen Grošelj, Head of the European Parliament Delegation
- Farah Karimi, Head of the OSCE PA Delegation

10:20-10:40 Introduction on the country:
- Ambassador Jan Braathu, Head of the OSCE Mission to Serbia
- Nadia Ćuk, Head of the Council of Europe Office in Belgrade ad interim
- Dirk Lorenz, Head of the Political Section, European Union Delegation to Serbia

11:00-13:00 Briefing by the ODIHR Election Observation Mission:
- Welcome and overview of the EOM's work – Ambassador Albert Jónsson, Head of Mission
- Political overview, Contestants and Election Campaign – Daniela Bottigelli, Political Analyst
- Media – Kira Kalinina, Media Analyst
- Legal Framework, Electoral Dispute Resolution – Vasil Vashchanka, Legal Analyst
- Election Administration, Voter Registration and Citizen Observers – Oleksiy Lychkovah
- Security – Katarzyna Witt, Security Expert
- Questions and answers

14:00-15:30 Socio-political context:
- Bojan Klačar, Executive Director, Center for Free Elections and Democracy (CeSID)
- Tamara Branković, Deputy Head, Center for Research, Transparency and Accountability (CRTA)
- Zlatko Minić, Board Member and Coordinator, Transparency Serbia
- Zoran Gavrilović, Executive Director, Bureau for Social Research (BIRODI)
- Saša Mirković, Deputy President, Association of Electronic Media (ANEM)
- Dragana Žarković Obradović, Country Director for Serbia, Balkan Investigative Reporting Network (BIRN)
- Tamara Filipović, Secretary General, Independent Journalists' Association of Serbia (NUNS)

16:00-18:00 Candidates/Parties contesting the elections:
- Vladimir Orlić, "Aleksandar Vučić – Serbia Must Not Stop" coalition
- Uglješa Marković, "Ivica Dačić – Prime Minister of Serbia" coalition
- Emir Rujević, Member of the Committee of Justice and Reconciliation Party, "Usame Zukorlić – United for Justice SPP-DSHV"
- Bela Butas, "Alliance of Vojvodina Hungarians"

**Saturday, 16 December 2023**

09:00-10:30 Media and campaign:
- Zoran Stanojević, Online News Editor in Chief, Radio Television of Serbia
- Igor Božić, News Director, N1

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| | – Senka Vlatković Odavić, Editor, Insajder TV |
| 11:00-12:00 | Election administration and legislation:<br>– Vladimir Dimitrijević, President, Republic Electoral Commission<br>– Srđan Smiljanić, Secretary, Republic Electoral Commission<br>– Milan Čuljković, Advisor, Republic Electoral Commission<br>– Dejan Damnjanović, Director, Agency for Prevention of Corruption<br>– Dušan Jeličić, Acting Assistant Director in the Sector for the Oversight of Political Activities and Campaigns, Agency for Prevention of Corruption |
| 12:00-13:15 | ODIHR EOM Briefing continuation:<br>– Election day procedures – Oleksiy Lychkovah, Election Analyst<br>– STO reporting – Max Bader, Statistical Analyst<br>– Briefing by Long Term Observers deployed in Belgrade |

**Sunday, 17 December 2023**

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| All day | Election Day – Observation in polling stations<br>(Polling stations open at 7:00 and close at 20:00) |

**Monday, 18 December 2023**

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| 8:00-9:00 | Debriefing for PACE Delegation |
| 15:00 | Joint press conference |

**Appendix 5 – Press release of the International Election Observation Mission**

**Voters had political alternatives in Serbia's elections but they were marred by overwhelming ruling party advantage, international observers say**

BELGRADE, 18 December 2023 – Although Serbia's early parliamentary elections offered voters a choice between political alternatives and freedoms of expression and assembly were generally respected, pressure on voters as well as the decisive involvement of the President and the ruling party's systemic advantages undermined the election process overall, international observers said in a statement today.

The joint observation mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP) found that the legal framework is adequate to carry out democratic elections. However, there are still numerous issues to address, and in these elections, observers noted the misuse of public resources, the lack of separation between the official functions and campaign activities, and intimidation and pressure on voters, including cases of vote buying.

"While the elections were technically well-organized, they unfolded in the midst of a socially and politically divided landscape," said Reinhold Lopatka, Special Co-ordinator and leader of the short-term OSCE observer mission. "The decisive involvement of the President dominated the electoral process, and the use of his name by one of the candidate lists, together with bias in the media, contributed to an uneven playing field."

Yesterday's elections took place against the background of high polarization and intense competition between opposing political agendas. In the run-up to the election, a number of concerns were voiced about the intimidation and harassment of civil activists, human rights defenders, and journalists.

"Serbian voters have once again been called to the polls, regretfully reinforcing the 'culture of early elections', the unlevel playing field these create, and the political instrumentalization of electoral cycles," said Stefan Schennach, Head of the PACE delegation. "This further undermines public trust in democratic institutions and electoral processes. Terminating parliamentary mandates ahead of time also prevents parliaments from working properly, preparing thorough and inclusive legislation and holding the executive to account, which is key in a parliamentary democracy."

Some 6.5 million voters were registered to take part in yesterday's early elections. The election administration prepared for voting day efficiently and transparently, considering the challenges posed by the short timeline and the local and regional elections taking place the same day. However, the frequent number of early elections in recent years have undermined trust in the country's democratic institutions. Election day was smooth overall, but there were a number of procedural deficiencies, including frequent cases of overcrowding, violations of the secrecy of the vote, and numerous instances of group voting.

OSCE PA Head of Delegation, Farah Karimi, noted: "Serbia has conducted its third parliamentary election in just under four years, a frequency that has diminished the public's trust in the democratic process and the institutions governing it, and the election campaign has been marked by extreme divisiveness." Concerns were raised pertaining to free speech, and the treatment of activists, LGBTI individuals, human rights defenders, and journalists, who have faced intimidation and harassment.

The domination of the President in the campaign, despite the fact that he was not a candidate in yesterday's elections, gave his party an unjustified advantage. In addition, a number of earlier recommendations to improve oversight mechanisms and introduce a campaign expenditure limit remain unaddressed, which reduces transparency and increases opportunities for high campaign spending, potentially further undermining the chances of the opposition.

"The electoral campaign took place against the background of Russia's ongoing war of aggression in Ukraine. The information manipulation remains a concern in Serbia even though it was not the predominant topic of the elections," said Klemen Grošelj, Head of delegation from the European Parliament. "The low level of political debate, the pressure on the voters, the emphasis on personally discrediting opponents, the harsh rhetoric used during the campaign and, in general, the political life of Serbia, are all very worrying elements."

While Serbia has a large number of media outlets and the media covered all candidates in line with the law, the diversity of views was greatly reduced by the high degree of polarization and strong influence of the government on most of them. At the same time, media reporting was dominated by the ruling parties and positive coverage of the President. The oversight body responsible for electronic media was not effective in

stopping violations during the election period. Observers also noted numerous reports about critical journalists who were verbally insulted by state officials, as well as co-ordinated attacks on journalists by pro-government media.

“While the Serbian authorities organized the elections efficiently on a tight schedule, the opposition’s lack of access to the media and absence of genuine analytical reporting impacted voters’ ability to make an informed choice,” said Ambassador Albert Jónsson, who headed ODIHR’s election observation mission. “Measures are also lacking to prevent misuse of public office and resources, and, in practice, the line between official duties and campaign activities was blurred.”

The international election observation mission to the early parliamentary elections in Serbia totalled 361 observers from 45 countries, made up of 254 ODIHR-deployed experts, and long-term and short-term observers, which comprised 71 from the OSCE PA, 23 from PACE, and 13 from the EP.