

EUROPEAN
NETWORK
OF ELECTION
MONITORING
ORGANIZATIONS

ENEMO

FINAL REPORT

June 2020

International Election Observation Mission
Serbia Parliamentary Elections
21 June 2020

**International Election Observation Mission
Serbia Parliamentary Elections
21 June 2020
FINAL REPORT**

EUROPEAN
E
NETWORK
N
OF ELECTION
E
MONITORING
M
ORGANIZATIONS
O

The English version of this report is the only official document of ENEMO EOM.

**International Election Observation Mission
Serbia Parliamentary Election
21 June 2020**



ENEMO Bul. Josipa Broza 23A
81 000 Podgorica, Montenegro
Email: info@enemo.eu
www.enemo.eu

Published by:

ENEMO – European Network of Election Monitoring Organizations

Editor:

Zlatko Vujovic, Head of the Mission (Montenegro)

Authors:

Zlatko Vujovic, Head of the Mission (Montenegro)
Cornelia Calin, Deputy Head of the Mission and Campaign Finance Analyst (Moldova)
Mariana Novac, Election Administration Expert (Moldova)
Mihaela Duca – Anghelici, Legal Analyst (Moldova)
Kristina Kostelac, Election Expert /Electoral Campaign Analyst (Croatia)
Teodora Gilic – Finance, Logistic and Press Officer (Montenegro)



**National Endowment
for Democracy**

Supporting freedom around the world

ENEMO's international observation mission for Serbian Parliamentary Elections 2020 is financially supported by National Endowment for Democracy (NED). The content of the document is the sole responsibility of ENEMO and does not necessarily represent the position of its donor.

Contents

I. EXECUTIVE SUMMARY	9
II. INTRODUCTION AND ACKNOWLEDGMENTS	14
III. BACKGROUND	15
IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM	16
A. Legal framework	16
B. Electoral System	19
V. ELECTION ADMINISTRATION	19
A. Republic Electoral Commission	19
Working Bodies	21
B. Polling Boards	21
VI. REGISTRATION OF VOTERS	23
VII. CANDIDATE REGISTRATION	25
VIII. ELECTORAL CAMPAIGN AND CAMPAIGN FINANCE	27
A. Electoral Campaign	27
B. Campaign Finance	29
IX. MEDIA	32
X. GENDER REPRESENTATION	36
XI. NATIONAL MINORITIES	36
XII. INCLUSION OF PERSONS WITH DISABILITIES	38
XIII. COMPLAINTS AND APPEALS	39
XIV. ELECTION DAY	44
XV. ELECTION OBSERVERS	44
XVI. RECOMMENDATIONS	46
A. Priority Recommendations	46
To the Parliament of Serbia	46
B. Other Recommendations	46
To the Parliament of Serbia	46
To Political Parties and Candidates	47
To the Government and Other Institutions Involved in the Electoral Process	47
To the Anti-Corruption Agency	48
XVIII. LIST OF ABBREVIATIONS USED	49

I. EXECUTIVE SUMMARY

The elections for the members of the Serbian Parliament were held on 21 June 2020 due to the breakout of the Covid-19 pandemic, although they were initially announced for 26 April. On Election Day, ENEMO did not conduct a systematic observation throughout the country, but its representatives visited a limited number of polling stations.

The existing legal framework, specifically the Law on the election of members of Parliament, was adopted prior to the 2016 early parliamentary elections, but it was substantially amended just before the official start of the electoral period in February 2020. The amendments were adopted in a hasty manner, less than a month before the elections were called, and they failed to ensure effective public consultations, which is at odds with Organization for Security and Co-operation in Europe (OSCE) commitments and other international obligations and standards. In February, the electoral threshold was lowered from 5% to 3%, which was perceived as a means of rendering the boycott strategy ineffective by encouraging a larger set of political groups to stand for seats in Parliament. Additional weighting of the votes for electoral lists of political parties of national minorities and their coalitions was prevented by increasing quotients to 35%, while the participation of the less represented gender in the election list was increased from 33% to 40%, ensuring that among every five candidates, at least two candidates of the less represented gender would be included.

The Republic Election Commission (REC) operated in an overall efficient and transparent manner. All decisions were adopted in a collegial manner, either unanimously or by an overwhelming majority, following the legal provisions, except for two cases that highlight the need for enhancing the professionalism of the electoral administration. Due to the ad hoc character of the Republic Election Commission, which lacks stability, permanent financing and objectives, mistakes might recur in each electoral cycle. The inability to undertake actions in the electoral process and propose adequate legislative amendments (*ex-officio*) is leaving gaps and discrepancies within the legislation. Due to the worsening of the pandemic situation, the Republic Election Commission decided to further develop its activities via electronic sessions. ENEMO notes that the principles of publicity and accessibility to the election administration bodies should be respected and ensured for the public and all voters. In addition, ENEMO recommends that the procedures implemented by the REC during its activities should be clarified to ensure transparency at all stages of the process, consistency and legal certainty.

Given the high number of errors in the protocols of 8,433 Polling Boards (PBs) that operated during Election Day, in 234 polling stations, the results of voting could not be established and repeated voting was ordered for 1 July. ENEMO notes that the REC should impose measures to enhance the accuracy of the Polling Boards' work, namely on the drafting of PB protocols. Additionally, proportionate sanctions should be imposed for irregularities. Although the Republic Election Commission has conducted a more comprehensive education of the members of the Polling Boards, in comparison with the previous elections, further reinforcement of the PBs' professionalism and reforms should be made in order to eliminate shortcomings in the activities of the commissions and its ability to organize the voting process.

Polling Boards were formed by 16 June, in due time and with adequate numbers of members. According to ENEMO interlocutors, not all parliamentary parties that had the legal right to do so nominated their members to PBs. Their places were filled with members nominated by the Working Bodies. On 18 June, the REC adopted the "Instruction on the conduct of voting on the territory of the Autonomous Province of Kosovo and Metohija", which included the rules for

voting, delivery of election materials and counting on Election Day. Concerns should be raised over the late decision adopted by the REC and its effects on the short time limits, the work and the level of preparedness of the commissions. Additionally, only two days prior to Election Day, the REC modified the number of established polling stations in countries abroad. ENEMO notes that this decision significantly limits voters' right to elect. The right to elect should be provided for all voters, and it is the obligation of the REC to provide all measures needed to deliver and organize elections. The decisions on the establishment of the polling stations should be taken in a transparent manner, based on clear and well-defined criteria, and should have adequate mechanisms to ensure full and timely compliance and cooperation. During electoral periods, the REC should ensure communication with other states' institutions and should establish proper conditions for electoral materials delivery.

The law grants the right to vote to all Serbian citizens who have reached 18 years of age and have permanent residency in the territory of the Republic of Serbia. The right to verify voters' personal information is ensured by consulting the Unified Register of Voters, and after voting, voters have the right to request information from the Commission on whether they were recorded in the excerpt from the voters list that shows whether they voted in the elections or not. Since the postelection inspection of the voters list is provided only by the REC Instructions, consideration should be given to regulating the voters' rights in the law. In any case, authorities should improve the mechanism for accessing the excerpt from the voters list after Election Day. As of 18 June, according to the REC, there was a total of 6,584,376 eligible voters while 13,529 voters registered to vote abroad. Despite previous international and domestic observers' recommendations, the voters lists were not displayed for public scrutiny, therefore limiting the transparency of the voter registration process.

Regarding the registration of candidates, candidate lists can be submitted by political parties, coalitions of parties or groups of citizens. The law does not limit the number of candidates on the lists, but it states that individual independent candidates are not allowed to run in the parliamentary elections, which is contrary to Serbia's commitment to international standards. Candidate lists have to be submitted to the REC with the required supporting signatures of at least 10,000 voters. All signatures have to be certified – in exchange for a 50 RSD fee – by municipal courts or notarized. The process of signature certification is overly burdensome on the account of the limited number of notaries available and intense demand. Each voter could support only one candidate list, despite international recommendations.

There were serious allegations by numerous political actors competing in the election that all parties aside from the SNS and SPS could not have independently collected sufficient numbers of voters' signatures, meaning that all opposition parties were allegedly artificially placed in the electoral race. As the Election Day approached, this thesis was more prevalent in the media while its advocates approached institutional channels to prove that the participation of most contestants was not legal. Regardless of their veracity, these accusations may have influenced the voters' will or ability to make informed choices.

Within the legal deadline, the Republic Election Commission registered 21 candidate lists containing five parties, 12 coalitions and four groups of citizens, with a total of 3,419 candidates. In two cases – Zavetnici and Levijatan, the REC at first refused to register the candidate lists on formal grounds, although they were later registered. Based on the election results, only three electoral lists passed the threshold of 3% of the votes, and four electoral lists that represented minorities entered the Parliament by passing the effective threshold.

Campaign rules lacked clear guidelines after the regulation on the obligations of media providers during the pre-election period was ignored, leaving space for potential misinterpretation of the rules. Serbia was one of the first European countries to conduct elections since the Covid-19 pandemic emerged, putting the pandemic in the spotlight of the election campaign after it caused the delay of the elections and specific conditions for campaigning were imposed. Despite a nominally broad timeframe for campaigning, SNS used the Covid-19 pandemic and the delayed election to promote their success in the context of the upcoming election. Concerns over the fairness of the otherwise peaceful political campaign are raised due to the Covid-19 pandemic, extensive use of the functionary campaign, opposition parties boycotting the elections, reports of widespread pressure on public administration employees and voters, as well as the use of black PR to deal with political opponents.

Despite having 21 political entities running in the election, ENEMO assesses that there was a lack of choice between clear and differentiated policy orientations and the diverse campaign platforms of the parties. ENEMO considers that the functionary campaign of the SNS leader, the incumbent President and other officials negatively affected the level playing field, giving SNS an advantage in terms of media coverage. The Covid-19 pandemic and the functionary campaign led to an atypical domination of SNS during the pre-campaign and campaign periods. Moreover, pressure on public employees remains a considerable concern because a number of workers must participate in the ruling party's activities for fear of losing their jobs, their contracts not being extended or their position being downgraded. As the Election Day approached, voters were contacted more frequently, even during the electoral silence, and regardless of their political preference.

Campaign finance is regulated by The Law on Financing of Political Activities and the Law on the Anti-Corruption Agency. The Anti-Corruption Agency (ACA) exercises oversight over campaign financing and misuse of public resources. Candidates (political parties, coalitions or groups of citizens) are obliged to submit campaign finance reports only 30 days after the election results are announced. ENEMO emphasizes that with no reporting requirements until after the Election Day, voters are substantially deprived of information on campaign financing, which is fundamental to making an informed choice. Furthermore, the oversight of campaign finance by the ACA is insufficient, both in law and in practice. ENEMO recommends that the ACA publish in due time all its decisions on complaints against breaching the LFPA and the LACA, as well as the financial reports of the participants in elections and the ACA's campaign finance assessment analysis.

When it comes to the media environment, a negative trend of diminishing the diversity of the media landscape in Serbia has been noticed by all international stakeholders as well as the general public in Serbia. Additionally, a strong polarization is present in Serbian media, making it highly likely for a certain media outlet to report either for or against the ruling party, raising concerns about voters being presented with biased information. Most private as well as television broadcasters with national coverage and most newspapers ignore the standards of equal opportunity by choosing to report positively on the ruling parties and negatively on their political opponents.

Independent media are rare in Serbia, resulting in lack of criticism of the governing parties and their prominent figures, especially in tabloids that took over the great role of presenting false allegations as facts, as well as black PR against non-supporters of the parties and persons in power. Additional concerns should be raised over the growing number of attacks and pressure on journalists. ENEMO condemns any kind of violence against participants in the electoral process, especially towards media representatives.

The Regulatory Body for Electronic Media (REM) oversees the implementation of the election law and the Electronic Media Act. Despite the replacements in the REM's composition that were deemed as a positive step, its activities continued to be considered less public than expected. The pace of publishing its decisions was slow, especially given their low number. Moreover, the REM did not act proactively, but only reacted to complaints and appeals that were submitted by different stakeholders, and not all decisions were published. The REM's media-monitoring methodology remained unclear even after the election process. The published data lacked many crucial parameters, such as the involvement of public officials in the campaign, air time other than the programs dedicated to the election campaign, as well as the tone and context in which a certain political actor should be presented.

Social media (Facebook, Instagram and Twitter) played an important role in the election campaign, particularly having in mind the pandemic of Covid-19, due to which mass gatherings were restricted as well as direct contacts between political actors and voters. ENEMO's social media monitoring targeted official accounts used by political parties who submitted candidate lists, political parties that were boycotting elections as well as their leaders. When it comes to the analysis of the content of the posts, the most represented subjects were the ruling Serbian Progressive Party and Aleksandar Vučić, while on the other side, the focus was mainly on opposition leaders, and on the opposition which boycotted these elections much more.

The most dominant topics were related to the electoral conditions, the boycott, the epidemiological situation and the economy, depending on the period of the election campaign. Additionally, activities on the social networks of public officials indicate cases of abuse of public resources for incumbents' re-elections. All analysed profiles used the possibility of "sponsored" posts on Facebook. However, certain data, such as the financial data of sponsored posts and demographics, are not available for these parties. How much money the mentioned political parties allocate for sponsored posts on Facebook as well as who their target group is remains unknown.

Regarding gender representation, concerns should be raised with regard to the lack of legal guarantees that gender quotas would be maintained in case of a candidate's withdrawal after the attribution of the seats. Two candidate lists had a woman as their first candidate. In all candidate lists, out of 3,419 candidates, there were 1,459 (42.67%) women. In total, 98 (39.2%) women were elected in the new Parliament. On the other hand, women were well represented in election management bodies at different levels.

According to the 2011 census, there are about 20 national minorities in Serbia. While some elections materials (voting guides) were published on the REC website in 11 languages of national minorities, REC decisions and instructions were published only in the Serbian language. Ballots were printed in 12 languages, with one, two, three, four or five language variants (29 variants), depending on which languages and scripts were in official use in certain municipalities/cities in the Republic of Serbia. ENEMO notes that the lack of clear criteria for granting national minority status and the unclear legal statute of the National Council of National Minority Opinion could lead to discretionary decisions of election bodies.

The Law "On prevention of discrimination of persons with disabilities" guarantees, among other things, that the State shall ensure equality and social inclusion of persons with disabilities (PWDs), as well as the right and opportunity to elect and to be elected. The latest data available on the accessibility of polling stations show that the premises were mostly inaccessible to PWDs,

limiting their constitutional right to participate in elections. With regard to the participation of persons with disabilities in the electoral process, the REC has undertaken some steps in this direction, such as publishing several guides for PWDs and video materials with sign language encouraging persons with disabilities to take part in the election process as voters and candidates.

Every voter, candidate and submitter of an electoral list has the right to the protection of their suffrage and can file complaints about the violations of election law within 24 hours of the making of a decision or from the moment of committed omission. Prior to Election Day, the REC received 2,880 complaints related to the electoral process, out of which 2,862 complaints were regarding the REC's decision on the continuation of election activities conducted during the procedure of elections for deputies of the Parliament. All complaints were rejected as submitted outside of the legal term or by unauthorized persons. ENEMO underscores that despite the high number of complaints lodged with the REC with the same subject, solving multiple complaints with one decision should not become a common practice, or clear criteria should be established. ENEMO notes that there is no publicly available registry of all submitted complaints at the REC, which limits the transparency of the process. Moreover, the process of resolving complaints after Election Day lacked transparency as the decisions were not published before the day when final results were published. ENEMO notes that the right to effective remedy is limited due to challenging the decision to the same body that issued it, too short deadlines for lodging and deciding on election-related complaints due to the lack of the possibility of lodging complaints at PBs on election day and the lack of hearing publicity.

On Election Day, ENEMO did not conduct a systematic observation throughout the country, but its representatives visited a number of polling stations. Election Day was overall calm and peaceful. The context of holding the elections was greatly influenced by the Covid-19 pandemic. The management of the polling process and conduct of the Polling Boards (PBs) was mostly assessed positively, with the majority of PB staff and voters respecting the prescribed protective measures.

Domestic observers and the media reported on several irregularities, such as keeping parallel list of voters who voted, the presence of suspicious cars in the vicinity of PSs, taking photos of the ballots, family voting and indications of carousel voting. Moreover, several incidents that included fights among PB staff or voters, vandalizing parties' premises and groups of unidentified persons taking photos at the PBs were reported in the media.

II. INTRODUCTION AND ACKNOWLEDGMENTS

On 1 June 2020, the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission (IEOM) to Serbia to observe the Parliamentary Elections of 21 June 2020.

ENEMO deployed a total of 6 Core Team experts based in Belgrade. The Mission was headed by Dr. Zlatko Vujovic. The IEOM's scope is limited in scale, and the IEOM did not engage additional long-term or short-term observers and, as a result, did not conduct a comprehensive observation of the opening, voting, counting and tabulation process on Election Day. However, the mission provided information on the preparation and conduct of the elections and observed at a few selected polling stations on the day of voting.

This Preliminary Statement was issued on 22 June, the day after E-day. The Preliminary Statement was based on ENEMO's observations and findings from the pre-election period and Election Day.

Until 21 June, the ENEMO CT experts conducted 36 meetings, of which three were with election management bodies, seven with political parties, 12 with state officials, two with media and 12 with domestic civil society organizations.

The mission has been monitoring and assessing the overall political and electoral environment, respect for the rights to elect and stand for election, the conduct of election management bodies, campaigning, gender equity, traditional and social media, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the Serbian legal framework.

This final report is based on ENEMO observers' findings, interviews with stakeholders and analysis of the legal framework and other documents. The report includes findings, assessment of the framework and conduct of the elections and recommendations to key-election stakeholders, with the aim of addressing observed shortcomings and improving aspects of the electoral process in Serbia.

ENEMO would like to express its gratitude to all interlocutors; representatives of public institutions; electoral management bodies; election contestants; civil society; media; the international community; and all other organizations, institutions, and individuals in Serbia for their cooperation and support throughout the duration of the IEOM.

The International Election Observation Mission of ENEMO to Serbia for the 2020 Parliamentary Elections was made possible thanks to the financial support of the National Endowment for Democracy (NED).

The Core Team consisted of: Head of the Mission - Zlatko Vujovic (Montenegro); Deputy Head of the Mission and Campaign Finance Analyst - Cornelia Calin (Moldova); Election Administration Expert - Mariana Novac (Moldova); Mihaela Duca Anghelici - Legal Analyst (Moldova); Election Expert - Electoral Campaign Analyst - Kristina Kostelac (Croatia); and Teodora Gilic (Montenegro) - Finance, Logistic and Press Officer

III. BACKGROUND

The elections for the members of the Serbian Parliament were held on 21 June 2020, although they were initially announced for 26 April. In March, Serbia faced a concerning rise in the number of Covid-9 cases. The global pandemic had its effects on the electoral process as well. The gravity of the threat influenced President Aleksandar Vucic to declare a state of emergency on 15 March, which was followed closely by the decision to postpone the elections until the holding of such an event would no longer present a danger to public health. Finally, upon the abolishment of the state of emergency, the date of the elections was set for 21 June.

Nevertheless, the state of emergency declaration caused a slight disruption to the political activities of parties. The newly introduced state of emergency in Serbia caused the Republic Electoral Commission (REC) on 16 March to declare a halt to political activities until its passing. Many interlocutors of the mission expressed their concern regarding the decision to hold elections in spite of the situation with Covid-19 limiting campaigning, as well as demotivating some of citizens from voting due to fear of possible infection.

Despite promises of state representatives that the electoral system would not be changed one year prior to elections, the Serbian Parliament adopted changes to the electoral law twice in that period, the first time in February and the last in May, a month before elections. Accordingly, promises were not honoured, nor were recommendations made by the Venice Commission followed.

The post-election period was characterized by repeated voting at 234 polling stations as well as thousands of complaints and appeals formally submitted by voters and the “Enough is Enough” coalition. Final results of the elections for the members of the Serbian Parliament were proclaimed at the 172nd electronic session of the Republic Election Commission held on 5 July 2020, just two days before the Covid-19 protests.

Following the elections, the new Government was elected by the Serbian Parliament on 28 October 2020, four months after elections were held. With 227 votes “for” out of 250, or 90%, and five “against”, the deputies of the Assembly of Serbia voted for the new government. There were no abstentions, and 16 deputies were absent. Prime Minister Ana Brnabić was elected for a second consecutive term.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A. Legal framework

The legal framework that regulates parliamentary elections in Serbia primarily consists of the 2006 Constitution and the Law on the election of members of Parliament¹, which includes the procedure for calling elections, the work of election administration, conditions for the electoral lists, the procedure for introducing the submitters of electoral lists, the conduct of elections and the procedure for the establishment and announcement of election results. At the same time, certain segments of elections are regulated by the Law on the unified electoral register², the Law on administrative disputes³, the Law on financing political activities⁴, the Law on political parties⁵ and the Law on the Anti-Corruption Agency⁶.

While the main legal provisions are regulated by laws, several important rules were included in the regulations and instructions adopted by the Republic Electoral Commission (REC). For instance, rules regarding the proposals and appointments of REC members in an extended composition, the procedure for submission of electoral lists, REC competence to correct mistakes in the minutes on the work of the Polling Boards and conditions for annulling and ordering repeated voting, and provisions regarding observers were included in the Instruction for the conduct of elections for deputies of the National Assembly, scheduled for 21 June 2020⁷.

In order to ensure the stability of electoral law and the predictability of electoral rules in accordance with international standards⁸, the fundamental rules should be included in the law.

The existing legal framework, specifically the Law on the election of members of Parliament, was adopted prior to the 2016 early parliamentary elections, but it was substantially amended just before the official start of the electoral period in February 2020 (more recent and less substantial amendments were made in May 2020). The amendments were adopted in a hasty manner less than a month before the elections were called⁹, and they failed to ensure effective public consultations, which is at odds with OSCE commitments and other international obligations and standards¹⁰.

Adopted in February, the amendment regarding lowering the electoral threshold for participation in the distribution of the seats from 5% to 3%¹¹ has been criticized by different ENEMO

¹Official Gazette of RS", no. 35 of 10 October 2000, no. 57 of 30 May 2003, no. 72 of 18 July 2003, no. 18 of 25 February 2004, no. 85 of 6 October 2005, no. 101 of 21 November 2005, no. 104 of 16 December 2009, no. 28 of 26 April 2011, no. 36 of 27 May 2011, no. 12 of 8 February 2020, no. 68 of 10 May 2020.

²Official Gazette of RS", no. 104 of 16 December 2009, no. 99 of 27 December 2011.

³Official Gazette of RS", no. 111 of 29 December 2009.

⁴Official Gazette of RS", no. 43 of 14 June 2011, no. 123 of 10 November 2014, no. 88 of 13 December 2019.

⁵Official Gazette of RS", no. 36 of 15 May 2009, no. 61 of 10 July 2015.

⁶Official Gazette of RS", no. 97 of 27 October 2008, no. 53 of 29 July 2010, no. 66 of 7 September 2011, no. 67 of 31 July 2013, no. 112 of 17 December 2013, no. 8 of 26 January 2015, no. 88 of 13 December 2019. The Law on Anti-Corruption Agency will be replaced by the Law on Prevention of Corruption on 1 September 2020.

⁷Official Gazette of RS", no. 70 of 11 May 2020.

⁸Code of good practice in electoral matters, p. II. 2.a. "Apart from rules on technical matters and detail – which may be included in regulations of the executive, rules of electoral law must have at least the rank of a statute law."

⁹Paragraph II.2.b of the 2002 Venice Commission's Code of Good Practice in Electoral Matters notes that the fundamental elements of electoral law should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.

¹⁰Paragraph 5.8. of the 1990 OSCE Copenhagen Document provides that legislation will be adopted at the end of a public procedure. Under Article 25 of the ICCPR, citizens are entitled to participate directly in the conduct of public affairs. The Human Rights Committee General Comment No. 25 interprets this right as including participation in the exercise of legislative powers and the formulation of policies. See, also, the 2017 Council of Europe Guidelines for Civil Participation in Political Decision Making.

¹¹The threshold does not refer to the national minority parties and their coalitions. They participate in the distribution of mandates even if they have won less than 3% of the total number of votes cast.

interlocutors because it was considered as a means of rendering the boycott strategy ineffective by encouraging a larger set of political groups to stand for seats in Parliament. ENEMO notes that international standards prescribe that the stability of the rules must exclude any suspicion of manipulation¹².

By lowering the threshold and applying the D'Hondt method of distribution of seats, national minorities were disadvantaged because quotients would become higher. Thereby, another amendment disadvantage was compensated for by additional weighting of the votes for electoral lists of political parties of national minorities and their coalitions (increasing quotients to 35%). Additionally, changes have been made to the requirements and procedure for submitting and promulgating electoral lists of national minority parties and their coalitions.

The participation of the less represented gender in the election list was increased from 33%¹³ to 40%, ensuring that among every 5 candidates, at least 2 candidates of the less represented gender will be included. ENEMO notes that although the gender quota and placement rules are mandatory conditions for registration, the law does not prescribe that the quota should be zipped.

Amendments adopted in May included increasing the number of authorized authenticators of the voters' signatures and had as the reason specific rules of behaviour that were established due to Covid-19. Some ENEMO interlocutors raised concerns over inequality of opportunities for candidates, as several candidate lists were registered at that time.

Other important changes to the legal framework were the prohibition of the misuse of state and public resources and the definition of the campaigning concept as well as the campaign activities of public officials in the Law on financing political activities and the Law of Anti-Corruption Agency. ENEMO notes that the legal framework regarding campaign finance does not include provisions for reporting during election campaigns and explicit caps on expenditures. Other shortcomings refer to the imprecision of the rules on loans and under-regulation of campaigning by third parties.

Particular concerns regarding media regulation were raised because at the beginning of 2019, application of the Regulation on the obligations of media providers during the pre-election period stopped while the new regulation was not yet introduced. While several regulatory acts concerning the campaign and media coverage of pre-electoral activities were introduced before the election process started¹⁴, no legal document that would regulate the execution of media obligations of private media services during the election campaign was approved.

Generally, the legal framework provides conditions for holding elections in line with most international standards for democratic elections. However, it does not comprehensively cover all fundamental aspects of the electoral process, with certain areas left under-regulated or poorly regulated. Key shortcomings that should be addressed as soon as possible include unclear rules for: granting the status of national minority, electoral campaigning and financing, media regulations and oversight, deficiencies and loopholes in the dispute-resolution process and other matters noted in this report.

¹²*Code of Good Practice in Electoral Matters. Guidelines, p. 114: "First, fundamental rights must be respected; and second, the stability of the rules must be such as to exclude any suspicion of manipulation. Lastly, the procedural framework must allow the rules laid down to be implemented effectively."*

¹³*Old provisions of the law specified that among every three candidates in the order of the list, there must be at least one candidate who is a member of the sex that is less represented on the list.*

¹⁴*Monitoring Plan for Media Service Providers During the Election Campaign, Regulation on Execution of Media Obligations of Public Media Services During the Election Campaign and Recommendation to Commercial Media Service Providers on Ensuring Representation Without Discrimination During the Election Campaign.*

A comprehensive review of the electoral legal framework should be undertaken in an open and inclusive manner to eliminate the significant shortcomings identified in this report.

The legal grounds for holding parliamentary elections were established by Presidential Decision no. 19 of 4 March 2020 and the appointed parliamentary elections on 26 April 2020. Due to the declared state of emergency¹⁵ by the Decree of the Government on 16 March 2020¹⁶, all electoral activities were suspended until the date of termination of the state of emergency, when the electoral activities resumed.

On 6 May 2020, the National Assembly adopted the Decision on terminating the state of emergency¹⁷. By Presidential Decision no. 68 of 10 May 2020, the new date for the parliamentary election was established as 21 June, and all electoral activities resumed as of 11 May 2020.

B. Electoral System

For elections of members of the Serbian Parliament, a list proportional system (List PR) with closed blocked list is used, while preferential voting is not allowed. Serbia represents a single multi-seat constituency in which all 250 deputies are elected.

Only candidate lists that have passed the legal electoral threshold of 3% of the total votes are included in the process of seat allocation. Amendments adopted in February this year introduced the lowering of the legal electoral threshold from 5% to 3%. The legal electoral threshold does not apply to lists of national minorities. The distribution of seats to candidate lists is done by the D'Hondt method.

Amendments from February increased the quotients of all electoral lists of political parties of national minorities and their coalitions to 35% in order to improve minority representation in the Serbian Parliament. The above-mentioned law changes increased the gender quota from 33% to 40%. Each list is obliged to have two candidates from the underrepresented gender out of every five. The gender quota does not apply a zipper system as there is no obligation to replace a leaving MP candidate with an MP of the same gender.

V. ELECTION ADMINISTRATION

The election management structure in Serbia is two-tiered, consisting of the Republic Election Commission (REC) and 8,433 Polling Boards (PBs). In addition, throughout all municipalities, the REC established 161 Working Bodies (WBs) tasked with technical and logistical support for the elections.

A. Republic Electoral Commission

The REC is a permanent body composed of a chairperson and a deputy, as well as 16 members and their deputies, all appointed for four-year terms by the Parliament. It also includes two non-voting members – a secretary and a representative of the National Statistical Office. Each registered contestant is entitled to appoint a member and a deputy in the extended composition to the REC.

¹⁵The Decision to declare a state of emergency in Serbia was made on 15 March 2020 jointly by the President of the Republic, the Speaker of the National Assembly and the Prime Minister ("Official Gazette of the RS", no. 29/20).

¹⁶"Official Gazette of the RS", no. 31/20.

¹⁷"Official Gazette of RS", no. 65/20.

The Commission does not have its own service or employees; therefore, professional and technical assistance is provided by the Parliament. The REC composition is changed with each new convocation of the Parliament. The members are elected on a political basis, not professionally, so that they return to their usual duties after the elections, in the same way that the REC services return to regular tasks in the Parliament. Even though the REC is an autonomous and independent body with regard to its work, it raises concerns due to the political aspect that it entails. In addition, this calls into question the functioning of the REC in the period between elections.

Due to the ad hoc character of the Republic Election Commission, which lacks stability, permanent financing and objectives, mistakes might recur in each electoral cycle. The inability to take actions in the electoral process and propose adequate legislative amendments (ex-officio) is leaving gaps and discrepancies within the legislation. The limitation of the REC's authority might jeopardize the integrity of the electoral process.

The Republic Election Commission is composed of 79 members, of which 42 are members of the extended composition. The REC functions in its full extended composition for only some 8 days before the election and during the post-election period.

The REC operates in an overall efficient and transparent manner. All decisions are adopted in a collegial manner, either unanimously or by an overwhelming majority, following the legal provisions, except for two cases that highlight the need for enhancing the professionalism of the electoral administration¹⁸. The REC implemented the necessary activities for organizing the 2020 Parliamentary elections in line with the legal provisions set therein.

During the electoral period that started on 4 March, the REC held 65 sessions. Until 30 June, all sessions were broadcasted live on the REC's webpage, the sessions were held in a transparent manner and were open to the media and the public, as well as to observers. In most cases, REC members and observers were provided with the agenda and other materials before the sessions, including minutes of previous sessions and decisions. Decisions of the REC are generally posted online. However, some of them were not uploaded in a timely manner or at all. Due to the worsening of the pandemic situation, the Republic Election Commission decided to further develop their activities via electronic sessions¹⁹. The public and the observers were not able to participate in and observe those sessions; however, observers were provided with the agenda and the decisions of the Commission. *ENEMO notes that the principles of publicity and accessibility to the election administration bodies should be respected and ensured for the public and all voters.* In addition, it raises concerns about the lack of information and transparency regarding how the sessions were conducted and what voting mechanism was used by the members. *ENEMO recommends that the procedures implemented by the REC during its activities be clarified to ensure transparency at all stages of the process, consistency and legal certainty.*

On Election Day, the REC provided frequent and regular updates on the conduct of voting to the media and the public, and it also provided preliminary results of elections shortly after the start of the counting. The preliminary results disclosed by the REC from 2.32% of processed polling stations were presented for each individual list.

¹⁸ The mentioned cases refer to the REC's decision to deny the Russian Party the status of a national minority party and its refusal to register the Levijatan candidate list even though it met all the statutory requirements.

¹⁹ The REC conducted 15 electronic sessions in total.

The law stipulates that the REC may annul voting in a polling station and order repeated voting²⁰. The REC reported that out of 8,433 PBs, there were errors in XXX PB protocols²¹. In XXX protocols, the REC made corrections. However, the Commission decided during the 158th and 159th session that in 234 polling stations, the results of voting could not be established and repeated voting was ordered. Following the annulment of election results in 234 polling stations, repeated voting in these PSs was established on 1 July. *The REC should impose measures to enhance the accuracy of the Polling Boards' work, namely on the drafting of PB protocols. Additionally, proportionate sanctions should be imposed for irregularities.*

According to the legal provisions²², the Republic Electoral Commission shall establish and publish the results of the elections within 96 hours of the closing of polling stations. However, Article 90 paragraph 3 of the Law stipulates that in case the voting is repeated, the election result shall be established upon completion of the repeated voting. The deadline of 96 hours began to run from 1 July 2020, and accordingly on 5 July, the REC pronounced the total results of the parliamentary elections (*See Annex 1*)²³.

The REC adopted several instructions and guides²⁴ for election administration bodies and commissioned voter education materials on Election Day procedures, including video materials with sign language²⁵, which were broadcast through the public and social media. However, voters could have benefited from a broader education campaign through various television channels and online campaigns, especially with regard to the voting procedures, the importance of the secrecy of the vote and safety measures.

Although the Republic Election Commission conducted a more comprehensive education of the members of the Polling Boards, in comparison to the previous elections, *further reinforcement of the PBs' professionalism and reforms should be carried out in order to eliminate shortcomings in the activities and the ability of the commissions to organize the voting process.*

Due to the pandemic, the REC set specific rules and issued informative materials on conducting the voting process during Election Day, following the recommendations of the Crisis Team for combating Covid-19 in Serbia²⁶. Numerous interlocutors strongly criticized the decision to conduct elections due to safety reasons and its consequences. Moreover, it is worth mentioning that for the repeated voting, domestic observers decided not to observe the process because of the epidemiological situation in Serbia²⁷.

²⁰Article 89 of the Law on the election of members of the Parliament.

²¹The errors in the PB protocols referred to: 1. Errors in voter registry – wrong number of registered voters in the protocol; 2. Errors in the number of unused ballots – mismatch between the real number of unused ballots and the number written in the protocol; 3. Errors in the number of invalid ballots – the field was left empty instead of writing "0" where that was the case; 4. Wrong number of registered ballots in protocol; and 5. Wrong number of voters who voted – mismatch between the numbers written in the protocol and the numbers of ballots in the boxes.

²²Article 78, paragraph 1 and 2 of the Law on the election of members of the Parliament and Article 88 of the Instructions for conducting the election of MPs to the National Assembly, called for 21 June 2020.

²³<https://www.rik.parlament.gov.rs/vest/sr/9479/172-sednica-republicke-izborne-komisije.php>

²⁴The guides can be found at the following link: <https://www.rik.parlament.gov.rs/sekcija/2006/publikacije.php>

²⁵Several videos can be found at the following page: <https://www.youtube.com/channel/UCjBsJcOKD0qQLWcQhdFDuw/videos>

²⁶Given the active status of the Covid-19 pandemic in Serbia, the Crisis Team recommended the following measures for prevention: Voters should wear masks inside the polling stations (if needed, masks will be provided); maintain a physical distance of at least one meter between voters/members of the PBs; temporary removal of the mask in order to establish identity; the requirement for Members of the PBs to wear masks and gloves; contact between voters and members not to exceed 15 minutes (the same recommendations apply to voting outside the polling stations); cleaning of polling stations 24 hours before the start of voting; constant ventilation of the premises (artificial ventilation should not be used)' proper arrangement of the polling station in order to ensure physical distance; and organizing a waiting area to avoid crowds.

²⁷CRTA and CeSID organizations decided not to observe the repeated voting process on 1 July due to the epidemiological situation in Serbia. Links: <https://cрта.rs/en/crta-aborts-the-observation-of-the-re-voting-process-on-july-1-due-to-epidemiological-situation>, <http://www.cesid.rs/izbori-2018/saopstenje-cesid-nece-posmatrati-ponovljeno-glasanje/>

Working Bodies

Working Bodies consist of the coordinator, who is the head of the municipal/city administration, and members who are appointed at the proposal of parliamentary groups proportionate to their representation in the Parliament²⁸. All 161 WBs were formed by 19 May, which is in line with the time frame established according to the legal provisions and deadlines set therein. The number of members of the WBs depends on the number of polling stations within the municipality/city; therefore, the number of members varies from three to 11 members.

Working Bodies of the REC are not responsible for the conduct of elections. Their main competencies include providing technical support to the electoral process at the territorial level, such as: collecting and consolidating nominations for the standing and expanded compositions of the PBs, distributing and collecting materials to/from PBs, supporting PBs during Election Day and informing the REC on the course of voting. All WBs are established with full membership and are composed of 1,014 members in total, and the REC posts the list of WBs and their compositions on their website²⁹ in a timely manner³⁰. Of the total number of members, 161 are coordinators and 853 are members. There were about 30 replacements registered in all WBs until Election Day and for the repeated voting. Nevertheless, those changes did not affect the continuation of their activities.

For the repeated voting conducted on 1 July, there were 83 Working Bodies that provided assistance for the process of re-voting in the 234 polling stations.

Even though the Working Bodies are tasked with technical duties, the activities that they are responsible for are of major importance; therefore, clear and comprehensive provisions should be established in the Law.

B. Polling Boards

Polling Boards (PBs) consist of a chairperson and their deputies, as well as two members, all nominated by parliamentary groups proportional to the number of deputies³¹. The extended composition is formed by nominations (of a member and a deputy) of the registered contestants for the parliamentary elections. In case a parliamentary group fails to submit the nominations for the permanent composition of the PBs to the working body in due time, the REC will appoint a person nominated by the Working Body. The nominations for the members of the PBs formed in penitentiary institutions and abroad are made at the proposals of the Ministry of Justice and the Ministry of Foreign Affairs.

The main functions of Polling Boards are to conduct voting, ensure the regularity and secrecy of voting, and maintain order in the voting premises, vote count and compilation of results protocols at polling stations.

²⁸Each parliamentary group had the right to propose until 15 May the following numbers of members for the WBs: Serbian Progressive Party – 281; Socialist Party of Serbia – 112; Serbian Radical Party – 112; Democratic Party – 82; Liberal Democratic Party-SDA Sandzaka – 36; United Serbia – 30; Party of Modern Serbia – 30; Vojvodina Front, Serbia 21 – 30; Social Democratic Party of Serbia – 27; New Serbia-Movement for the Salvation of Serbia – 25; Alliance of Vojvodina Hungarians – 25; Club of Independent Deputies – 25; Party of United Pensioners of Serbia – 24; and Socialist Movement-People's Peasant Party-United Peasant Party – 14.

²⁹The Decisions on the formation of working bodies can be found here: https://www.rik.parlament.gov.rs/tekst/22_85/radna-tela-republicke-izborne-komisije.php

³⁰All WBs were formed by 19 May, except for the WBs formed in the territory of the Autonomous Province of Kosovo and Metohija, which were formed on 19 June.

³¹Until 5 June, each parliamentary group had the right to propose the following numbers of members for the permanent composition of the PBs: SNS – 20,180, SDPS – 1,861, PUPS – 1,674, PS-NSS-USS – 957, SPS – 5,481, SRS – 5,178, DS – 3,807, LDP-SDA – 1,610, JS – 1,440, SMS – 379, NS-PZSS – 1,149, SVM – 1,312, VF-SR21 – 1,380, KSP – 1,149, and local parties – 787.

In total, 8,433 Polling Boards were established for this parliamentary election. This includes 29 PBs set up in penitentiary institutions and 40 PBs established in countries abroad. Compared to the 2016 parliamentary elections, approximately 50 additional polling stations were established for the parliamentary elections of 21 June 2020.

Polling Boards were formed by 16 June in due time and with an adequate number of members³². According to ENEMO interlocutors, not all parliamentary parties that had the legal right to do so nominated their members to PBs. Their places were filled with members nominated by the Working Bodies.

Pursuant to Article 2 of the Instructions³³, on 18 June, the REC adopted the “Instructions on the conduct of voting on the territory of the Autonomous Province of Kosovo and Metohija”³⁴, which enclosed the rules for voting, delivery of election materials and counting on Election Day. Concern should be raised over the late decision adopted by the REC and its effects on the short time limits, the work and level of preparedness of the commissions. It was determined that voting would be conducted at 140 polling stations, instead of 90 as previously established. As an exception from the general rule, the elections were conducted by three-member PBs, without an expanded composition. In accordance with the Instructions, the OSCE mission provided the transport of polling materials to and from polling stations. Counting and tabulation was conducted in Vranje and Raska in the presence of the Polling Board members and Working Bodies of the REC.

Additionally, only two days prior to Election Day, the REC modified the number of established polling stations in countries abroad. Hence, PS no. 14 Great Britain, Embassy of Serbia in London and PB no. 21 Lebanon, Embassy of Serbia in Beirut were excluded. The reasoning for this decision was based on the lack of response from the Foreign Ministry of Great Britain and the difficulties of ensuring secure transportation of electoral materials to Lebanon due to the Covid-19 pandemic. ENEMO notes that this decision significantly limited voters’ right to elect. *The right to elect should be provided for all voters; the obligation of the REC is to provide all measures needed to deliver and organize elections.*

The decisions on the establishment of the polling stations should be taken in a transparent manner, based on clear and well-defined criteria, and should be provided with adequate mechanisms to ensure full and timely compliance and cooperation. During electoral periods, the REC should ensure communication with other states’ institutions and should establish proper conditions for electoral materials delivery.

During the period December 2019–February 2020, the REC organized a series of activities with regard to the organization and conduct of training for all PBs members, such as training for the instructors³⁵ and training sessions for the permanent members of PBs³⁶. However, not all members of the permanent composition of the PBs or the members of the extended composition attended the standardized training.

³²The PBs established in the territory of the Autonomous Province of Kosovo and Metohija were formed on 19 June.

³³Instructions for conducting the elections of MPs to the National Assembly, called for 21 June 2020.

³⁴All references to Kosovo, whether to the territory, institutions or population, in this text should be understood as in full compliance with the United Nations Security Council Resolution 1244.

³⁵The REC held 28 trainings of trainers and 539 candidates successfully completed their education. <https://www.rik.parlament.gov.rs/tekst/699/obuke-instruktora-za-rad-u-stalnom-sastavu-birackih-odbora.php>

³⁶About 50,000 people in 161 local self-governments in Serbia were trained for the work in the permanent composition of the PB. <https://www.rik.parlament.gov.rs/tekst/700/obuke-za-rad-u-stalnom-sastavu-birackih-odbora.php>

The representatives of the REC informed the ENEMO mission that the Commission did not conduct training sessions for the members of the extended composition of PBs. According to the REC's decision³⁷, the Commission organized training sessions for instructors who were responsible for training potential members of the PBs' extended composition. The same decision stipulated that registered political parties, both parliamentary and non-parliamentary, nominate candidates for the position of instructor and, after the announcement of elections, submitters of registered candidate lists. Subsequently, all registered political parties were invited, and out of 123 political parties, 16 submitted proposals, while 235 instructors underwent training³⁸. According to the REC, only three candidate lists' members of the extended composition of the PBs attended the training program held in June 2020; consequently, representatives of the rest of the 18 candidate lists did not participate³⁹. Even though ENEMO interlocutors did not raise concerns with regard to the level of preparedness of PBs, ENEMO notes that contrary to good practice, election administration authorities did not organize training for all Polling Board members, which goes against international recommendations⁴⁰. According to the observations of the ENEMO mission as well as the observations of the domestic organizations, the lack of preparedness of the PB members was reflected in the work of the commissions during Election Day. This led to a number of errors within the protocols of the PBs that caused the annulment of the election results in 234 polling stations.

VI. REGISTRATION OF VOTERS

The law grants the right to vote to all Serbian citizens who have reached 18 years of age and have permanent residency in the territory of the Republic of Serbia⁴¹. The right to vote will be revoked for those voters who had lost legal capacity through a court decision.

The registration of citizens on the voters list in Serbia is conducted ex-officio by state authorities. The Ministry of Public Administration and Local Self-Government is the legal body responsible for maintaining⁴² and administering the electoral registry of voters and complies with the excerpts from the electoral registry in accordance with the Law on the Unified Electoral Register. A part of the electoral register for the territory of a unit of self-government is updated by the municipal/town administration as an assigned task that includes changes made ex-officio or upon a citizen's request until the deadline set for the Electoral Register's closure.

Voters are registered according to their place of residence, but at their request, their temporary residence address in the country may also be recorded. Voters who reside abroad are registered according to their most recent place of residence before moving abroad or according to the most recent place of residence of one of their parents. Voters who have been internally displaced are registered according to the place where they are residing as internally displaced persons.

The right to verify voters' personal information is ensured by consulting the Unified Register of Voters (hereinafter: Register of Voters) in person at the municipal or city administration of the

³⁷The Decision on the organization and conduction of trainings for instructors for the work of extended composition of PBs from 6 February 2020.

³⁸From 24 to 28 February, 13 training sessions were conducted for 235 members of the extended composition of the PB. After the elections were announced, the REC trained two more instructors, at the suggestion of the SDA Sandžak.

³⁹Nevertheless, several materials on the work of the PBs were available on the REC webpage <https://www.rik.parlament.gov.rs/sekcija/2006/publikacije.php>

⁴⁰According to the recommendations of the Venice Commission's Code of Good Practice in Electoral Matters, Section II.3.1.g, states that "members of electoral commissions must receive standard training."

⁴¹Article 10, Law on the Election of Members of Parliament.

⁴²Maintenance of the electoral register includes analysis of the data contained in the electoral register and taking of measures to ensure their mutual harmonization and accuracy, entry of changes in the electoral register (entry, deletion, addition, modification or corrections) after the electoral register closure, and performance of other tasks.

⁴³<https://upit.birackispisak.gov.rs/>

voter's residence or electronically⁴³, and after voting, voters have the right to request information from the Commission on whether they were recorded in the excerpt from the voters list that shows whether they voted in the elections or not. Despite the fact that requesting the excerpt from the voters list could be done by filling electronic applications, several voters did not obtain information or access the excerpts for at least a month from the date of request submission.

Since the post-election inspection of the voters list is provided only by the REC Instructions, consideration should be given to regulating voters' rights in the law. In any case, authorities should improve the mechanism for accessing the excerpt from the voters list after Election Day.

Voters were also entitled to apply for changes to the Register of Voters to the municipal or city administration of their residence until 5 June 2020, or by the Ministry of Public Administration and Local Self Government if the application was lodged in the period 5–18 June. Moreover, voters who are members of a national minority may apply to enter their name and surname in the voters list in the language and alphabet of their national minority, in addition to the Serbian language and Cyrillic alphabet.

The right to register at a temporary place of voting was ensured for voters no later than five days before registration was closed (until 30 May 2020). In the same way, voters with temporary residences abroad had the right to submit a request in person with the competent diplomatic and consular mission for entry in the Register of Voters. According to the data from the REC, for parliamentary elections from 21 June 2020, 13,529 voters registered to vote abroad.

As of 18 June, according to the REC, there was a total of 6,584,376 eligible voters⁴⁴, while for repeated voting held on 1 July 2020, there were 203,012 eligible voters in 234 polling stations. Separate excerpts from the Register of Voters are compiled for the voters who are serving their national military service, on temporary military duty or undergoing education in units or institutions of the Army of Serbia, or voters in detention or serving a sanction in a correctional facility.

Since past elections, the Register of Voters has been connected with the registers of deaths and marriages. Therefore, there are enough grounds to consider that voters list are more accurate and reliable. However, despite previous international and domestic observers' recommendations, voters list are not displayed for public scrutiny, therefore limiting the transparency of the voter registration process. This lack of public scrutiny is at odds with international standards which state that "electoral registers must be published"⁴⁵.

To increase transparency in the voter registration process and to enhance public trust in the voters list, consideration could be given to displaying partial data from voters list for public scrutiny, in line with the law and international good practice.

In September 2019, the Government of the Republic of Serbia formed a Working Group for the verification of the Unified Register of Voters⁴⁶. Despite the fact that a Methodology for verification of the voters list was adopted by the Working group, the verification process did not begin before the parliamentary elections.

⁴⁴During the presidential elections of 2017, the number of voters was higher at 140,573 voters.

⁴⁵Paragraph 1.1.2.iii of the Code of Good Practice.

⁴⁶Decision 05 No. 02-9661/2019 of 26 September 2019, "Official Gazette of RS", no. 69/19.

The right to vote in the elections held on 21 June 2020 (Election Day) and 1 July 2020 (repeated voting) was exercised by 3,221,908 voters, including 9,168 who voted abroad. According to national observers⁴⁷, on Election Day, it was recorded that there were sporadic cases of voters whose names were not found on the voters list and sporadic voting of persons who were not registered on the voters list. ENEMO recommends that additional steps be taken to apply the adopted methodology for verification of the voters list and to ensure the accuracy of the voters list.

VII. CANDIDATE REGISTRATION

The rules on the eligibility of candidates for the parliamentary elections stipulate that every citizen who has a registered residence in Serbia and is more than 18 years of age has the right to elect or stand as a candidate.

Candidate lists can be submitted by political parties, coalitions of parties or groups of citizens. The law does not limit the number of candidates on the lists, but it states that individual independent candidates are not allowed to contest in the parliamentary elections, which is contrary to Serbia's commitments towards international standards⁴⁸. *Legislation should be amended in order to give opportunities to individual citizens to stand as independent candidates.*

Candidate lists have to be submitted to the REC with the required supporting signatures of at least 10,000 voters. Each voter can support only one candidate list, despite international recommendations⁴⁹. *The Law on the elections of the MP should be amended to allow voters to sign for more than one candidate list during the phase of collection of supporting signatures in order to make the process more inclusive and to further promote pluralism.*

Candidate-list submission for 2020 parliamentary elections started on 4 March and ended 15 days before Election Day on 5 June 2020⁵⁰.

All signatures have to be certified by municipal courts or notarized in exchange for a 50 RSD fee. The process of signature certification is overly burdensome on account of the limited number of notaries available and intense demand. In addition, after the start of the state emergency due to the Covid-19 pandemic, the Ministry of Justice and Ministry of Public Administration and Local Self-Government (MPA) allowed municipal or city administrations to conduct the process of signature certification. Even though this decision led to a simplification of the signature-collection procedure and ensured public safety overall, at the same time it faced allegations of possible misconduct.

There were serious allegations by numerous political actors competing in the election that all parties aside from the SNS and SPS could not have independently collected sufficient numbers of voters' signatures, meaning that all opposition parties were allegedly artificially placed in

⁴⁷CRTA observation mission.

⁴⁸The right of independent candidates to stand for election is explicitly mentioned in the 1990 Copenhagen Document (Paragraph 7.5), where member States of the OSCE are committed to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination." Moreover the provision is at odds with Art. 25 of the ICCPR: "Every citizen shall have the right and the opportunity [...]: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors); and at odds with Paragraph 17 of the 1996 UNHCR General Comment no. 25 to Art. 25 of the ICCPR, which also mentions that "the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties."

⁴⁹Paragraph 77 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation states that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

⁵⁰Due to the declared state of emergency in Serbia with regard to the Covid-19 pandemic, announced on 16 March, the electoral process was suspended. On 6 May, the state of emergency was lifted, and all electoral actions were resumed on 11 May 2020.

the electoral race. As the Election Day approached, this thesis was more prevalent in the media while its advocates approached institutional channels to prove that the participation of most contestants was not legal. Regardless of their veracity, these accusations may have influenced the voters' will or ability to make informed choices.

The verification procedures for the submitted documents and supporting signatures were conducted at first by the REC and later by the MPA in order to electronically verify whether every given identification number corresponded to each voter in the Unified Register of Voters, and the signatures of those who were either not found in the Register or who had already signed in support of a previously registered candidate list were annulled⁵¹. The lack of clear rules for signature verification and the insufficient transparency of the process may have led to confusion and was marked by suspicion among the participants in the election process. However, no complaints were filed with regard to the process of signature verification. Some electoral contestants criticized the procedures of signature collection and verification as laborious, expensive and overly bureaucratic.

The deadline for submitting documentation required for registration of a candidate list expired on 5 June, which overlapped with the election campaign. This practice is against the international standards for elections because it disadvantages those contestants who registered late. *In line with international standards, the deadlines for final decisions on candidate registration should be set to precede the date of the official start of the election campaign period*⁵².

Within the legal deadline, the Republic Election Commission registered 21 candidate lists, including five parties, 12 coalitions and four groups of citizens, with a total of 3,419 candidates⁵³. In two cases, the REC at first refused to register the candidate lists on formal grounds, although they were later registered⁵⁴. One candidate list was refused registration due to errors and omissions found in the documents⁵⁵, and one candidate list was not granted the position of a political party of national minorities⁵⁶. The Republic Election Commission assigned the rankings in the ballot based on the date and time of submission of candidate lists for registration.

Based on the election results, only three electoral lists passed the threshold of 3% of the votes, and four electoral lists that represent minorities entered the Parliament by passing the effective threshold. According to the final results, three electoral lists received fewer votes than the legal requirement for candidate list registration as follows: National Block with 7,873 votes (0.24%), Take the Masks Off with 7,805 votes (0.24%), and the Russian Party with 6,295 votes (0.20%). Furthermore, the candidate list Coalition for Peace won 10,158 votes (0.32%), just above the 10,000 limit.

⁵¹According to the REC, the number of invalidated signatures for each candidate list was: 1. For Our Children/SNS – 1,798; 2. SPS/JS – 845; 3. SRS – 478; 4. SVM – 317; 5. Victory for Serbia – 500; 6. POKS – 736; 7. UDS – 611; 8. SPP/DPM – 814; 9. Broom 2020 – 501; 10. Healthy to Win – 1,347; 11. SDA Sandžak – 798; 12. Zavetnici – 855; 13. National Block – 856; 14. PSG – 1,300; 15. Sovereigns – 670; 16. ADA – 1,406; 17. 1 in 5 Million – 1,078; 18. Take the Masks Off – 1,053; 19. Russian Party – 1,143; 20. Coalition for Peace – 2,463; and 21. Levijatan – 1,398.

⁵²Guideline I.1.3.v. of the Code of Good Practice in Electoral Matters of the Venice Commission.

⁵³REC Report on the conducted elections for the members of the Parliament. <https://www.rik.parlament.gov.rs/vest/10118/178-elektronska-sed-nica-republicke-izborne-komisije.php>

⁵⁴The Zavetnici list was refused registration after the Administrative Court decided that the name of the list was not part of the name of the party, or the name of the holder of the candidate list, stating a violation of Article 42 of the Law on the election of MPs. The contestant was given time (48 hours) to remove all deficiencies found in the documents and on 26 May, the list was resubmitted to the REC and registered. In the case of the Levijatan candidate list, the REC refused to register the list despite the fact that all shortcomings were resolved within the required timeframe, due to the insufficient numbers of votes to adopt the proposal. Only after the contestant filed a complaint to the REC was the list registered.

⁵⁵The "Socialism is the only way out" NKPJ-SKOJ list was rejected as their submitters did not eliminate the deficiencies that were obstacles to the registration of the candidate list, such as: the name of the group of citizens and candidate list, absence of certificates, invalid voter statements, insufficient number of signatures and failure to provide the data in an electronic format.

⁵⁶The REC denied the position of a political party of the national minorities to the Coalition for Peace list which did not declare their position as a political party of the national minorities at the submission of documents.

VIII. ELECTORAL CAMPAIGN AND CAMPAIGN FINANCE

A. Electoral Campaign

According to the law⁵⁷, candidates are allowed to commence their pre-election campaign from the day of calling the elections until the announcement of the final election results, with the exception of the electoral silence⁵⁸. Despite a nominally broad timeframe for campaigning, SNS used the Covid-19 pandemic and the delayed election to promote their success in the context of the upcoming election⁵⁹. Campaign rules lacked clear guidelines after the Regulation on the obligations of media providers during the pre-election period came out of power, which left space for potential misinterpretation of the rules. The existing rules are spread throughout several laws instead of one unified document providing a clear overview of rules applicable to all actors involved in campaigning.

Concerns over the fairness of the otherwise peaceful political campaign are raised due to the Covid-19 pandemic, extensive use of the functionary campaign, opposition parties boycotting the elections, reports of widespread pressure on public administration employees and voters as well as using black PR to deal with political opponents.

Serbia was one of the first European countries to conduct elections since the Covid-19 pandemic emerged, putting the pandemic in the spotlight of the election campaign after it caused the delay of the elections and imposed specific conditions for campaigning. The campaign was stopped for more than 50 days due to the epidemiological situation, but after it started again, the permitted spectre of campaign activities was significantly narrowed. The impossibility of organizing rallies and outdoor campaign events led to an increase in campaigning via traditional media, social networks and the internet⁶⁰.

All parties aside from the ruling party were focused on collecting voters' signatures as soon as the state of emergency was cancelled. Nine parties that managed to collect the required number of signatures before the state of emergency was introduced focused on increasing their presence on national broadcast media as well as other means of campaigning. For the majority of parties running in the election, the abovementioned circumstances resulted in a limited timeframe for conducting any proper campaign activities. Some parties collected the required number of signatures within an extremely limited timeframe, which raised suspicion especially with regard to smaller parties⁶¹. Consequently, the voters were deprived of being equally and objectively informed on their choices.

Despite having 21 political entities running in the election, ENEMO assesses that there was a lack of choice between clear and differentiated policy orientations and diverse campaign platforms of the parties⁶². Only several parties published their program for the upcoming election (Broom

⁵⁷Art. 2 of the Law on Financing the Political Campaign.

⁵⁸Electoral silence starts 48 hours before the Election Day and finishes at the time the polling stations close.

⁵⁹<https://www.danas.rs/politika/figaro-vucic-koristi-korona-virus-da-bi-objacao-svoj-uticaj/>, <https://www.telegraf.rs/vesti/srbija/3173173-korona-virus-srbija-vanredno-stanje>, <https://www.vreme.com/cms/view.php?id=1774160>, <https://insajder.net/sr/sajt/vazno/18028/>, <https://beta.rs/vesti/politika-vesti-srbija/126178-vucic-velika-zahvalnost-bia-za-pomoc-u-borbi-protiv-korona-virusa>

⁶⁰SNS used online platforms to conduct rallies (Facebook, Instagram and Zoom), while SPS held a convention that gathered several hundreds of supporters in Belgrade on 8 June 2020, putting the preventive epidemiological measures aside.

⁶¹For example, the Levjatan Movement was initially rejected due to suspicion regarding the collected signatures, but it later managed to run in the electoral race after an appeal and collecting the required number of signatures.

⁶²Another indicator of limited choice is the fact that despite lowering the threshold to 3%, only four parties passed it.

2020, SVM and Healthy Serbia) and program norms (Victory for Serbia and 1 in 5 Million) or updated their previous programs (SRS). The ruling parties intensified their official activities that were not directly connected to the campaign, but reporting on them significantly increased their presence in the media. This phenomenon is not regulated by any law but is left to the discretion of each media outlet to determine how they will report on the ruling coalition's regular activities during the electoral campaign. ENEMO raises concerns that this increases the risk of media bias and uneven coverage of the electoral campaign⁶³.

Another sensitive media issue was how to report on the functionary campaign of Aleksandar Vučić since he was not an official candidate, but his party's list carried his name. He intensively promoted his party's activities, used the epidemiological situation in the country in his favour and continuously elaborated upon SNS' success in media appearances. ENEMO considers that the functionary campaign of the SNS leader, the incumbent President and other officials negatively affected the level playing field, giving SNS an advantage in terms of media coverage⁶⁴.

The Covid-19 pandemic and the functionary campaign led to the atypical domination of SNS during the pre-campaign as well as the campaign periods. The state of emergency showed that the executive branch enjoyed full domination compared with the judiciary and legislative branches, leading to the conclusion that the system of checks and balances was insufficient. Some gestures of the Government⁶⁵ significantly increased the presence in the public space of President Vučić, Prime Minister Brnabić and other SNS officials who were not running as candidates⁶⁶. Local observers also reported on additional grey-zone campaign methods that SNS implemented, such as push polls over the phone and sending personalized mail to different target groups, e.g., pensioners and social aid beneficiaries. The local domestic observation organization CRTA recorded more than 2,000 appearances of national, regional and local public officials across Serbia during the election campaign, mostly to visit, inaugurate or finish public infrastructural work. Additionally, more than 450 cases of humanitarian activities of political parties that included landscaping work, building parks, playgrounds, painting the bridges, paving the roads, and other activities were reported by domestic observer groups⁶⁷.

Moreover, pressure on public employees remains a considerable concern as a number of workers must participate in the ruling party's activities for fear of losing their jobs, their contracts not being extended or their position being downgraded. Other illegal means of campaigning reported by local observers included the distribution of humanitarian packages to citizens, conducting work activities to clean up pedestrian zones, parks and landfills, organizing free programs, medical examinations and providing assistance to households, even though expenses incurred for humanitarian purposes are not in line with the Law on Financing the Political Activities. ENEMO raises concerns about the given misuse of administrative resources during the campaign period, giving an unfair advantage to the ruling party⁶⁸.

⁶³Paragraph 2.3. of the Code of Good Practice in Electoral Matters (Venice Commission 2002) states that equality of opportunity must be guaranteed for parties and candidates alike, implying a neutral attitude by the state authorities, including coverage by the media, in particular by the publicly owned media.

⁶⁴An OSCE Copenhagen document from 1990 (para 5.4) states that a clear separation between the State and political parties should be made and that political parties should not be merged with the State.

⁶⁵For example, providing each citizen with 100 EUR of financial aid during the pandemic and an extensive set of activities performed in a seemingly official manner (inauguration of newly opened factories and facilities).

⁶⁶All ministers aside from Ivica Dačić (SPS), Branislav Nedimović (SNS) and Milan Krkobabić (Party of United Pensioners of Serbia, but running on an SNS list) did not compete in the election.

⁶⁷https://crt.rs/wp-content/uploads/2020/10/Parlamentarni-izbori-2020_Crta_Zavrzni-izvestaj.pdf

⁶⁸Venice Commission's "Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes" (2016) defines the misuse of administrative resources as follows: "administrative resources are human, financial, material, in natura and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support."

New regulations should be introduced to prevent functionary campaigns and to clearly differentiate the role of public officials from their role during the election campaign. Moreover, sanctions should be imposed for any infringement of the regulations, while additional measures should be implemented to ensure that media broadcasters comply with the regulations.

Another phenomenon that largely defined the election was the boycott of the majority of opposition parties, with two parties fully and one party partially leaving the boycott. The participation of parties that left the boycott faced the open disapproval and dissatisfaction of those that had decided not to run. Furthermore, their political split became the focus of their narrative, especially when it came to the parties that stayed in the boycott, resulting in lack of substance in their public appearances and the weakening of their ideas as Election Day approached.

Concerning the narrative of the political campaign, dichotomic cases of black PR (either against the ruling party or in its favour) were present. During the initial campaign period, Aleksandar Vučić, the SNS leader, used one-third of his time to deal with his political opponents, while other representatives of parties in power attributed credit for their work mostly to their parties and made political promises. As the Election Day approached, SNS softened their narrative and avoided using black PR as a tool for undermining their political opponents, as the belief that the election would result in their favour became stronger. On the contrary, the opposition mostly sent promissory messages to voters, sometimes engaged in a negative campaign against their political opponents, called for the boycott and attributed credit to their parties. Generally, the opposition used negative campaigns more frequently, but the ruling party had twice as many opportunities to communicate with voters, and their messages were able to reach a larger portion of voters⁶⁹.

Even though inviting party members and supporters is not against the rules for campaigning, there are widespread allegations concerning reaching out to voters, sometimes targeting certain underprivileged groups of citizens. As the Election Day approached, voters were contacted more frequently, even during the electoral silence and regardless of their political preference. Indications of using different registries of state beneficiaries point to potential misuse of personal data as well as additional pressure on given groups of voters.

ENEMO deems that new mechanisms for preventing pressure on voters, including public employees, should be implemented. Each allegation of pressure on voters should undergo an investigation and be prosecuted accordingly.

B. Campaign Finance

Campaign finance is regulated by The Law on Financing of Political Activities (hereinafter: LFPA) and the Law on the Anti-Corruption Agency (hereinafter: LACA). The Anti-Corruption Agency (hereinafter: ACA) exercises oversight over campaign financing and misuse of public resources. The ACA may request information from political entities and may request recordings of bank transactions using campaign funds. The ACA can apply sanctions in the form of warnings or can initiate criminal proceedings for possible violations. The sanctions include warnings, suspension of public funding, fines⁷⁰, confiscation of funds and imprisonment from six months up to five years for a criminal offense⁷¹.

⁶⁹<https://crta.rs/izbori-2020-kampanja-pre-kampanje-2>, <https://crta.rs/izbori-2020-izvestaj-dugorocnih-posmatraca>, <https://crta.rs/izbori-2020-izvestaj-dugorocnih-posmatraca-za-period-25-maj-14-jun-2>

⁷⁰The fines vary between RSD 50,000 and RSD 2 million (EUR 425 up to EUR 17,000).

⁷¹Article 72 of the ACA Law also specifies that the sanctioned official is obliged to resign from public office and that he also might be prohibited from holding office for 10 years.

Candidates (political parties, coalitions or groups of citizens) are obliged to submit campaign finance reports only 30 days after the election results are announced. ENEMO emphasizes that with no reporting requirements until after the Election Day, voters were substantially deprived of information on campaign financing, which was fundamental to making informed choices. Furthermore, the oversight of campaign finance by the ACA is insufficient, both in law and in practice. The absence of a deadline for the ACA to publish campaign finance reports and the lack of an obligation to publish its conclusions deteriorates its main scope of providing effective control. In essence, the overall lack of transparency challenged international standards such as GRECO and OSCE commitments⁷².

ENEMO recommends that the LFPA envisage the obligation to submit interim campaign finance reports and a final campaign finance report two days after the Election Day. These reports ought to be published by the supervisory body within 48 hours of their submission.

ENEMO recommends amending the LACA with provisions that will introduce more obligations for the ACA, such as exercising control, respecting deadlines and publication of the content of assessment reports.

Regardless of the fact that the LFPA provides for a mixed campaign finance system, including both public⁷³ and private financing for all participants in elections, many interlocutors expressed concern due to insufficient public funds for covering campaign costs. Candidates were obliged to open special bank accounts for the campaign revenues and expenditures. While the LFPA sets limits for private donations⁷⁴ for campaigning, there are no explicit caps on expenditures. To date, the campaign finance reports of candidates have not been published yet; however, according to the monitoring results of the domestic organizations, the total estimate for TV ads amounts to more than EUR 4 million, with TV advertising in election campaigns accounting for most of the campaign expenditures⁷⁵.

Furthermore, the rules on loans for candidates are imprecise and campaigning by third parties lacks regulation. The Law allows participants in elections to also receive in-kind donations; however, they are not usually reported in the campaign finance reports. ENEMO notes that the above loopholes led to an uneven playing field for all participants in elections. What is more, the ability of contestants to compete on an equal basis was significantly compromised by the excessive misuse of administrative resources or functionary campaigning, which intensified SNS' campaign message. Although not every case can be treated as an infringement of the current legislation, the observation of such instances is an important step in understanding covert election promotion. The bottom line is that these actions can serve as means of circumventing the campaign finance limits⁷⁶.

ENEMO emphasizes the urgent need to introduce ceilings for campaign expenses in the LFPA, in line with GRECO recommendations, and recommends clarifying the legal provisions on loans and introducing reporting obligations for third-party financing of election campaigns.

⁷²Article 7.3 of the United Nations Convention Against Corruption provides that "each State Party shall also consider taking appropriate legislative and administrative measures to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". Paragraphs 194, 200 and 206 of the ODIHR and Venice Commission Guidelines on Political Party Regulation state that "voters must have access to the relevant information as to the financial support given to political parties in order to hold them accountable. It requires timely publication of financial reports in a format understandable for the general public".

⁷³Each of the candidates who requested public funds for campaigning and passed the election bond received RSD 7.45 million or EUR 63,000.

⁷⁴The maximum value of annual donations that a natural person can give to a participant in elections to finance a campaign is a maximum of 20 average monthly salaries, while in the case of legal entities, donations may reach a maximum of 200 average monthly salaries. In 2020, one average monthly salary equals RSD 83,320 or EUR 708.

⁷⁵According to the same estimates, three political parties spent the most: SNS – EUR 2.4 million, SPS – over EUR 900,000 and POKS – EUR 240,600.

⁷⁶Transparency Serbia report shows that campaigning through promotional activities of the highest officials have continued since 2014, whereas after the 2020 national election was called, the functionary campaigning only intensified.

ENEMO recommends amending the LACA with clear provisions that would prohibit civil servants from campaign activities in their official capacity, either by being candidates themselves or while supporting candidates, and sanction them for such activities.

The recent amendments to the LACA, undertaken in December 2019 and January 2020, gave the ACA powers to oversee the misuse of public resources by officials but did not close the loopholes previously recognized in the legal framework⁷⁷. Nevertheless, the agency's statutory monitoring obligations should have ensured that this body would be able to effectively identify any infringements of the respective law and in a timely manner during and after the electoral campaign. The agency has enough authority to initiate checks earlier on its own initiative, as appropriate. Yet, ENEMO notes that the ACA's oversight of misuse of public resources was insufficient during the election campaign. According to several interlocutors, the ACA did not use all its competencies in order to perform comprehensive control, including its powers to initiate ex-officio proceedings, while benefiting from the findings of their 120 field observers.

Even if the agency is obliged to decide on the received complaints regarding the matters of LFPA infringements over a five-day term and needs to publish the decisions on its website within 24 hours of adoption, according to the agency, this obligation pertains only to decisions on breaches of the LFPA in proceedings against a political party or coalition and a group of citizens⁷⁸. These deadlines do not apply to the LACA. The ACA is obliged to publish campaign finance assessment reports long after the end of the campaign, allegedly without disclosing information to citizens about the established facts and initiated proceedings⁷⁹. Moreover, for this election, both the Republic Public Prosecutor's Office and the ACA did not impose sanctions in regard to election-related criminal offenses and misdemeanours and did not create an effective mechanism for reporting violations.

Additionally, the critical assessment of the European Commission (hereinafter: EC) in regard to the lack of implementation of both the OSCE/ODIHR's and GRECO's former recommendations speaks of insufficient transparency and the lack of effectiveness of party and campaign finance oversight. Consequently, there is a stringent need for enforcement of the system for controlling the financing of political activities and election campaigns, so that it becomes more transparent and more effective⁸⁰.

On 26 June 2020, the ACA issued a statement regarding ENEMO's Preliminary conclusions. The agency emphasized that their mandate was broader than specified by ENEMO and that it also envisaged solving the complaints related to breaching Article 29 of the LACA. However, during a video call after Election Day, the agency reported that it received 48 complaints of violations of Article 29 of the Law on the ACA, while explaining that it was not obliged by law to publish decisions on complaints related to the breaching of Article 29 of the LACA and that only some of the decisions related to breaching Art. 23 (3) of the LFPA were being published.

ENEMO reconfirms its preliminary conclusions and notes that it made its evaluation based on the existing laws, on the interlocutors' opinions including those of the ACA, on the information published on the agency's official page and on the ENEMO IEOM assessment capacity.

⁷⁷The LACA does not regulate instances in which public officials can abuse their positions for political promotion (functionary campaigning). What is more, the law does not cover this area at all.

⁷⁸According to the ACA, when the procedures go against the public officials, there is no legal obligation for the ACA to publish their decisions. The Agency will inform the applicant about the finality of the decisions and inform the public only regarding those measures that are published by law.

⁷⁹ENEMO interlocutors reported that the LACA does not stipulate the deadlines for publishing the assessment analysis of the campaign finance reports, additionally outlining that over the years, there were few results from the ACA's oversight of party and campaign finance when it was implied that the agency did not apply its mandate in a proper manner.

⁸⁰2019 Country Report of the European Commission, published in May 2019. According to the EC, "the Law on the prevention of corruption needs to comply with the acquis, international agreements and GRECO recommendations".

For instance, allegations of multiple cases of misuse of public resources or functionary campaigning were reported by domestic observers from the very start of the election campaign up to 21 July⁸¹, and at least 43 complaints were filed with the ACA in regard to misuse of public resources. According to the agency's official page, out of 35 published decisions on these complaints, the ACA issued only nine warnings related to breaching Art. 23(3) of the LFPA and dismissed 26 complaints based on non-violation grounds⁸².

ENEMO recommends that the ACA publish in due time all its decisions on complaints against breaching the LFPA and LACA, as well as the financial reports of the participants in elections and its campaign finance assessment analysis.

IX. MEDIA

Eighty per cent of Serbian citizens inform themselves primarily through TV broadcasters, making television the most important and reliable source of information, compared with the printed press, which is perceived as the least reliable. During the Covid-19 pandemic, the use of social networks strengthened. Currently, there are 741 electronic media outlets (380 terrestrial, 323 cable and 38 internet media) registered in Serbia that hold valid licenses. Serbian media outlets are mostly owned by private persons and entities, even though the state and journalists sometimes partake in the ownership structure of some media.

A negative trend of diminishing the diversity of the media landscape in Serbia has been noticed by all international stakeholders⁸³ as well as the general public in Serbia. Additionally, a strong polarization is present in Serbian media, making it highly likely for a certain media outlet to report either for or against the ruling party. Concerns are raised over voters being presented with biased information, as was the case during the 2020 elections in Serbia. According to ENEMO interlocutors and the direct observation of ENEMO observers, most private as well as television broadcasters with national coverage and most newspapers ignore the standards of equal opportunity⁸⁴ by choosing to report positively on the ruling parties and negatively on their political opponents. This became imminent especially during the protests shortly after Election Day when only two independent media broadcasters reported on the significant political event, while most national broadcasters, including RTS, decided that the protests were not a significant event the public should be aware of.

Independent media are rare in Serbia, which was confirmed in 2019 by the President's Media Advisor⁸⁵. Despite the fact that most media are privately owned, the great influence of the ruling party is present primarily through controlling the advertising in media, distribution of state funds, personal relationships with the media ownership and influence on the owners. As a consequence, negative phenomena appeared in different forms, such as lack of criticism of the governing parties and their prominent figures, especially in tabloids that took over the great task of presenting false allegations as facts, as well as black PR against non-supporters of the parties and persons in power.

⁸¹Transparency Serbia Report, *Monitoring of the 2020 elections*.

⁸²Anti-Corruption Agency official page: <https://bit.ly/2YBHnH5>.

⁸³Serbia's rating of independent media has decreased from 4.00 (in 2014) to 3.25 (in 2020), according to Freedom House, while the country's rating according to the World Press Freedom Index dropped 39 places (from 54 in 2014 to 93 in 2020).

⁸⁴The Venice Commission's Code of Good Practice in Electoral Matters (CDL-AD (2002) 23), chapter 2.3 recognizes equality of opportunity in media coverage as an essential requirement for free and fair elections.

⁸⁵The President's Media Advisor presented a list of 18 allegedly independent media outlets (including TV, radio and online outlets) on a live TV show, indirectly confirming that there are media outlets in Serbia affiliated with the ruling coalition. Considering that there are more than 2,000 active media outlets registered, the portion of alleged independent media makes up less than 1 per cent.

Additional concerns should be raised over the growing number of attacks and pressure on journalists, especially those perceived as independent, who claim that the pressure is continuous and targets both institutions and individuals⁸⁶. Between 2015 and 2019, every third-reported attack on journalists in the Balkans happened in Serbia⁸⁷, while the full scope of the violence against journalists was visible during the four-day demonstrations in Belgrade that followed Election Day when 21 attacks on journalists were recorded⁸⁸. ENEMO condemns any kind of violence against participants of the electoral process, especially against media representatives.

A. Traditional media

The Regulatory Body for Electronic Media (REM) has overseen the implementation of election law and the Electronic Media Act in regard to media coverage since the 2000 parliamentary elections. The REM conducted systematic monitoring of media reporting for the first time since parliamentary elections held in 2014. The lack of more specific regulations concerning media in terms of elections is worrying, particularly given that the Regulation on the Obligations of Media Providers During the Pre-Election Period came out of force while the new regulation was not yet introduced. Moreover, there were no recent legal amendments concerning the media prior to the election, aside from three new brief documents concerning campaigns and media coverage of pre-electoral activities⁸⁹.

In total, six sessions were held to discuss the monitoring reports as well as appeals from the Movement for the Restoration of the Kingdom of Serbia (POKS) and Transparency Serbia. The only outputs were public statements on how to improve the process, but no concrete action was taken, despite the REM having the mandate to impose sanctions for any fraudulent behaviour of the media during the election campaign. Despite the replacements in the REM's composition that were deemed as a positive step⁹⁰, its activities continued to be considered as less public than expected. The pace of publishing its decisions was slow, especially given their low number. Moreover, the REM did not act proactively but only reacted to complaints and appeals that were submitted by different stakeholders, and not all decisions were published. During the campaign, two campaign videos were banned from airing on broadcast television⁹¹, but they were not fully removed from other sources, such as YouTube.

The REM's media-monitoring methodology remained unclear even after the election process. The published data lacked many crucial parameters, such as involvement of public officials in the campaign, air time other than the programs dedicated to the election campaign, as well as the tone and context in which a certain political actor should be presented. According to the REM's last media-monitoring report⁹², the SNS list "Aleksandar Vučić – For our Children" was the most represented contestant, with 12.11% of air time dedicated to the campaign. On the contrary, CRTA and BIRODI, two CSOs that also conducted independent media monitoring, illustrated the discrepancies that appear in the national body's report compared with other reports. For example, the REM's findings show that 44% of the national television broadcaster's

⁸⁶The Council of Europe's document *Using International Election Standards* states that "media representatives should be guaranteed freedom of movement during the electoral process (...)". Moreover, "the freedom of seeking and receiving information (...) comprises the right of journalists to be free from physical and emotional violence as well as from arbitrary detentions or arrests preventing them from reporting on the electoral process (...)".

⁸⁷<http://balkans.aljazeera.net/vijesti/svaki-treci-napad-na-novinare-na-balkanu-dogodi-se-u-srbiji>

⁸⁸One campaign video of the SNS was forbidden because of an underaged child in the video and another one because it promoted the boycott of the elections.

⁸⁹The new regulations did not include private/commercial radio and television broadcasters, but only public broadcasters.

⁹⁰The local CSO CeSID assesses that it is not possible to consider these changes as fundamental, despite high expectations. http://www.cesid.rs/wp-content/uploads/2020/09/Finalni-izve%C5%A1taj-o-kvalitetu-izbornog-procesa_CeSID.pdf

⁹¹One campaign video of the SNS was forbidden because of an underaged child in the video and another one because it promoted the boycott of the elections.

⁹²<http://www.rem.rs/uploads/files/Izbori%202020/IZBORI%202020%20-%20osmi%20presek%2013-18.06.2020.pdf>

(RTS) central news deals with the ruling party, while CRTA concludes that this percentage is up to 74%, which is similar to BIRODI's monitoring. The reason for this large discrepancy lies in the fact that the REM does not analyse the regular part of the central news but only the part dedicated to the promotional material of the candidates. Moreover, every mention of a certain political actor competing in the election, even if third parties discussed it, was recognized by the REM as airtime dedicated to the political entity.

The Regulatory Authority for Electronic Media (REM) should undergo additional reforms that would lead to greater independence, ensure higher proactivity, transparency and independence, as well as expand its mandate to all forms of media.

Local observer group CeSID conducted newspaper and online news portal monitoring⁹³ that showed that the SNS and their coalition partners gained the most media attention, with a 31% presence in monitored media and articles overall. In total, six monitored media reported positively on the ruling coalition, one was somewhat balanced, while three media reported positively on the opposition parties. In total, 3% of monitored articles were defamatory, while out of which 79% reported positively on the ruling coalition.

B. Social media

Social media (Facebook, Instagram and Twitter) played an important role in the election campaign, particularly keeping in mind the Covid-19 pandemic, due to which mass gatherings were restricted as well as direct contacts between political actors and voters. The current health situation in Serbia increased the activities of political actors on social media, which became a more significant and important aspect in the analysis of the election campaign. For the aim of this analysis, official accounts of political parties that submitted candidate lists⁹⁴, opposition in a boycott and the leaders of political parties were targeted. The analysis covered three periods: (1) from 4 March when the election campaign started until 16 March when the state of emergency was declared; (2) from 16 March until 10 May; and (3) the period from 11 May when the state of emergency was terminated and the election campaign continued up to 17 June.

Through Facebook monitoring, ENEMO observers gained insights into the levels of activity of political parties on Facebook (*post count*), showing how much they posted on their Facebook profiles and how much they used Facebook for election campaigns, as well as which subjects and topics were represented most often in the posts. Monitoring also provided insights into which posts were shared, commented on or liked by Facebook users.

When it comes to the analysis of the content of the posts, the most represented subjects were, on the one hand, the ruling Serbian Progressive Party and Aleksandar Vučić, while on the other hand, the focus was mainly on opposition leaders, with a greater amount of attention on the opposition which boycotted these elections. The most dominant topics were related to the electoral conditions, the boycott, the epidemiological situation and the economy, depending on the period of the election campaign. Additionally, activities on the social networks of public officials indicate cases of abuse of public resources for incumbents' re-elections. Some public officials, such as President Aleksandar Vučić, performed state visits during the election campaign that included visits to view the reconstruction of the highway, the reconstruction of the Health Centre in Prokuplje, the opening of a newly built factory in Loznica, etc.

⁹³http://www.cesid.rs/wp-content/uploads/2020/09/Finalni-izve%C5%A1taj-o-kvalitetu-izbornog-procesa_CeSID.pdf

⁹⁴Not all political parties that submitted a candidate list had an official Facebook page. Some used the Facebook profiles of their leaders. In these cases, mentioned profiles were used in the analysis.

Analysing the three aforementioned periods, it is noticeable that the Serbian Progressive Party was the most active during the whole period starting from 4 March, with an average share of 19.21% on social media. Besides the Serbian Progressive Party, the New Party, Broom 2020 and Movement for the Restoration of the Kingdom of Serbia posted the most, while parties that were the least active included United Serbia, with an average share of 0.9% and the Alliance of Vojvodina Hungarians with 0.79%. Facebook videos were posted the most – 69.75% of the posts were videos. At a lower percentage were posted photos – 23.53%, and there was a smaller percentage of posts of links – 6.72%.

Analysing the activities of political parties that submitted candidate lists during E-day, a big difference in the number of posts is noticeable: the Serbian Progressive Party had **21** posts that day (28%) while the other electoral lists had **four** posts on average. Four political parties did not post at all during E-day. All in all, there were 75 posts during E-day. Posts of the Serbian Progressive Party were shared the most (646 shares).

Regarding the analysis of the profiles of party leaders, it is noticeable that a smaller number of posts were shared from the Facebook profiles of party leaders compared with the profiles of political parties. With elections approaching, political parties started to use Facebook profiles of their leaders for promoting their campaigns.

Boycott opposition was active the most during the state of emergency, with average weekly posts of 25%. Within the boycott opposition, the most active were the profiles of the Serbian Movement Dveri, Party of Freedom and Justice, Don't Let Belgrade D(r)own and United Trade Unions of Serbia "Sloga".

During this period, Facebook posts of the Serbian Movement Dveri produced the most reactions. Their posts were also shared the most.

The period of the state of emergency mostly emphasized topics about the epidemiological situation and Covid-19. On one side, parties appealed to Serbian citizens to stay home in order to prevent infection, while on the other side, political parties such as #1od5miliona and Dosta je bilo focused on sharing negative posts regarding the work of Aleksandar Vučić and the Prime minister Ana Brnabić in the period of the health crisis in the country. These parties strongly criticized the declaration of the state of emergency and publicly called Aleksandar Vučić to terminate it. #1od5miliona used hashtags such as #UkiniteTamnicu (abolish the dungeon) by which they implied that Vučić "imprisoned" Serbian people with the announcement of the curfew obligation. Numerous posts of Dosta je bilo also had negative connotations regarding Vučić, emphasizing that he had actually carried out a *coup d'état* by declaring a curfew.

Regarding the period after the state of emergency, one of the most problematic cases identified by social media monitoring was related to a promotional video featuring an underaged girl. This video provoked criticism of Vučić from the perspective of child abuse for political purposes. As a consequence, the Regulatory Body for Electronic Media (REM) issued a decision on 1 June banning the broadcast of this video. Although this decision applied only to electronic media and did not cover the use of social networks, this case was particularly sensitive from the perspective of children's rights, and based on observations, the controversial video was not removed immediately from the Facebook account of the Serbian Progressive Party and was still there on 9 June. It is important to emphasize that according to Article 30 of the Law on Public Information and Media, social media platforms are not media and therefore are not regulated by this Law. Considering this, regardless of the content, posts on these platforms cannot be banned by any regulatory body. In this case, the only action that could be taken was public appeal to the subject who was creator of the particular post.

It is also important to note that all analysed profiles use the possibility of “sponsored” posts on Facebook. However, it is important to point out that the option to access certain data, such as financial data of sponsored posts and demographics, is not available for these parties. How much money the mentioned political parties allocated for sponsored posts on Facebook as well as who their target group was remains unknown.

ENEMO did not conduct Twitter monitoring, but it is important to emphasize that Twitter removed approximately 8,500 accounts from its platform connected to a network promoting Aleksandar Vučić and the Serbian Progressive Party⁹⁵.

X. GENDER REPRESENTATION

The current legal framework for elections contains several provisions that aim to improve gender representation. The electoral list needs to be composed of at least 40 % of the candidates of the less represented gender, and among every five candidates, at least two candidates should belong to the less represented gender. Concern should be raised with regard to the lack of legal guarantees that gender quotas would be maintained in the case of a candidate’s withdrawal after the attribution of the seats. *To provide safeguarding mechanisms for adequate gender representation in the Parliament, ENEMO deems that consideration could be given to amending the law, ensuring that if a person withdraws from a list, vacancies are filled by a same-gender person.*

ENEMO underscores that all electoral lists complied with the new quotas established by the law and were therefore registered. Two candidate lists had a woman as their first candidate. In all candidate lists, of the 3,419 candidates, there were 1,459 (42.67%) women. In total, 98 (39.2%) women were elected in the new Parliament.

The legal framework provided obligations for authorized nominators to take into account the equal representation of the genders when proposing persons to election bodies⁹⁶. Hence, women were well represented in election management bodies at different levels. Of the 79 permanent and extended members of the REC, 30 (38%) are women. Nevertheless, the chairperson of the REC is a man. At the Working Bodies level, women are fairly well represented (43.59%). Among the coordinators, 50.93% are women, and 42.20% of the members are women. No messages targeting women or gender equality policies were noticed during the campaign.

XI. NATIONAL MINORITIES

In Serbia, in addition to the rights guaranteed to all citizens, the Constitution guarantees special individual or collective rights to the persons belonging to national minorities. National minorities are defined by Law⁹⁷ in line with the Charter of Human and Minority Rights and Civil Liberties. In order to exercise the right to self-government in culture, education, information and the official use of languages and scripts, members of 23 minority communities have constituted their National Councils: Bunjevci, Bulgarians, Bosniaks, Hungarians, Roma, Romanians, Ruthenians, Slovaks, Ukrainians, Croats, Albanians, Ashkali, Vlachs, Greeks, Egyptians, Germans, Slovenes, Czechs, Macedonians, Jews, Montenegrins, Russians and Poles⁹⁸.

⁹⁵According to the Stanford Internet Observatory cyber policy centre, the purposes of such accounts were the following: cheerleading for Vučić and his party, SNS (The Serbian Progressive Party); boosting Vučić-aligned content; and attacking the opposition.

⁹⁶Article 3, para (6), Instruction for the conduct of elections for deputies of the National Assembly, scheduled for 21 June 2020.

⁹⁷Law on protection of the rights and freedoms of national minorities.

⁹⁸<http://mduls.gov.rs/wp-content/uploads/Izvod-iz-Registar-nacionalnih-saveta-5.3.2020.pdf>

According to the 2011 census, there are about 20 national minorities in Serbia, the largest being the Hungarians with more than 290,000 inhabitants, the Bosniaks with about 130,000 inhabitants and Roma with about 110,000 inhabitants.

While some election materials (voting guides) were published on the REC website in 11 languages of national minorities – Albanian, Bosnian, Bulgarian, Hungarian, Macedonian, Romanian, Ruthenian, Slovak, Croatian, Montenegrin and Czech, the REC decisions and instructions were published only in the Serbian language. Moreover, in municipalities where the languages of national minorities are in official use, the ballot papers, the official form for the minutes, were printed in those languages. Ballots were printed in 12 languages, with one, two, three, four or five language variants (29 variants), depending on which languages and scripts were in official use in certain municipalities/cities in the Republic of Serbia⁹⁹.

ENEMO notes that out of 21 submitted candidate lists, six applied for national minority status and five obtained it¹⁰⁰. Initially, the REC rejected two applications to determine the position of the political party or coalition of political parties of the national minorities. The reasons for rejecting applications were untimely submission of the request¹⁰¹ and lack of the required majority of votes¹⁰². However, as a result of an Administrative Court Decision, one day before Election Day, a statute of national minority was granted to one political party¹⁰³. ENEMO notes that the lack of clear criteria for granting national minority status and the unclear legal statute of the National Council of National Minority Opinion could lead to discretionary decisions of election bodies.

However, numerous interlocutors of the IEOM expressed concerns about abuses of some submitters of lists who might use national minority status solely to obtain related privileges without representing and promoting national minorities' interests.

Taking into account the risk of discretionary decisions of the body entitled to grant national minority status, as well as the risk of potential abuse of status by candidates, ENEMO recommends establishing clear rules for granting the status of national minority to the candidate lists, including regulation of the criteria needed to be met and their weights.

Recent modifications of the law have changed the requirements and procedures for submitting and proclaiming electoral lists of national minority parties and their coalitions, together with the seat allocation. Under the new amendments, the Republic Electoral Commission is required to establish whether an entity proposing an electoral list is a national minority party or coalition when proclaiming the electoral list and may request an opinion of the competent National Councils of the National Minority on this subject. ENEMO interlocutors have raised concerns about the legal certainty of the two laws that contain mutually exclusive provisions (Law on Election of Members of Parliament and Law on political parties) and about discretion to issue status certificates to national party minorities by the National Councils of National Minorities.

In total, 19 members from four candidate lists that were granted the status of national minority were elected in the new Parliament¹⁰⁴.

⁹⁹REC Decision on the form and appearance of ballots for voting in the elections of deputies of the National Assembly, scheduled for 21 June 2020.

¹⁰⁰Vajdasági Magyar Szövetség-Pásztor István-Vojvodina Hungarians Alliance (Hungarian national minority); Academic Muamer Zukorlić-Just Straight-Justice and Reconciliation Party (SPP); Democratic Macedonian Party (DPM) (Bosniaks and Macedonian national minorities); SDA Sandžaka-Dr. Sulejman Ugljanin (Bosniaks national minority); Albanian Democratic Alternative-United Valley (Albanian national minority); and Russian Party (Russian national minority).

¹⁰¹Coalition for Peace. The request was submitted together with additional documents that were necessary to eliminate the shortcomings three days after the submission of the electoral list.

¹⁰²Russian Party. Fifteen of the 34 members of the Republic Election Commission voted in favour, two members were against, one member abstained and five members did not vote. After the Administrative Court annulled the REC Decision, the REC issued another decision according to which the Russian Party did not provide adequate evidence to conclude that its main goal was to represent the interests of the Russian national minority.

¹⁰³After annulling the REC Decision for the second time, the Administrative Court decided to grant a statute of national minority to the Russian Party.

¹⁰⁴Vajdasági Magyar Szövetség-Pásztor István-Vojvodina Hungarians Alliance (Hungarian national minority) – 9 members; Academic Muamer Zukorlić-Just Straight-Justice and Reconciliation Party (SPP)-Democratic Macedonian Party (DPM) (Bosniaks and Macedonian national minorities) – 4 members; SDA Sandžaka-Dr. Sulejman Ugljanin (Bosniaks national minority) – 3 members; Albanian Democratic Alternative-United Valley (Albanian national minority) –3 members.

XII. INCLUSION OF PERSONS WITH DISABILITIES

The Law “On prevention of discrimination of persons with disabilities” guarantees, among other things, that the State shall ensure equality and the social inclusion of persons with disabilities (PWDs), as well as the right and opportunity to elect and to be elected. The electoral provisions¹⁰⁵ state that municipal/city administrations should propose accessible polling stations (physically and communication-wise) so that the facilities are located on the ground floor, pedestrian crossings are free of obstacles or have adequate ways of overcoming obstacles, there are parking spaces for PWD, facility entrances are on the same level as sidewalks, entry doors are unimpeded, and there is single-level movement within the facility or undisturbed vertical communication.

The latest data available on the accessibility of polling stations¹⁰⁶ show that premises were mostly inaccessible to PWDs, limiting their constitutional right to participate in elections¹⁰⁷.

In 2019, the Republic Election Commission issued a decision to conduct an estimation of accessibility at polling stations¹⁰⁸. Following this decision, every two years, local administrations and administrations of Belgrade municipalities will collect and analyse the data to propose measures for the improvement of these conditions. For the time being, the reports are available on the REC website¹⁰⁹ in a disaggregated manner, which includes all cities that are further divided into polling stations. A full assessment is expected to be completed for the following elections.

With regard to the participation of persons with disabilities in the electoral process, the REC has undertaken some steps in this direction, such as publishing several guides for PWDs¹¹⁰ and video materials with sign language¹¹¹ encouraging persons with disabilities to take part in the election process as voters and candidates.

ENEMO notes that several CSOs and authorities are working on empowering persons with disabilities, but so far PWDs are rarely, if at all, addressed in the election campaign. Lack of accessible premises for PWDs to register and vote is at odds with international standards such as the UN Convention¹¹² which Serbia ratified in 2009.

ENEMO assesses that additional efforts should be made to equip the polling stations with the needed facilities that would enable easy access for persons with mobility impairment to enter the polling stations, or persons with visual impairments to cast their ballots independently, so that the right to secrecy of the vote is ensured. In addition, PBs should have further training on the legal provisions and standards for ensuring the right to vote for persons with disabilities. Adequate policies are also needed to improve the overall participation of persons with disabilities in elections and politics.

¹⁰⁵Article 51 of Instructions for Conducting the Election of MPs to the National Assembly, called for 21 June 2020.

¹⁰⁶Analysis of the accessibility of polling stations in Belgrade, Kragujevac and Sombor in 2018 can be accessed at the following link: http://www.ciilsrbija.org/ebib/201807241412210.analiza_pristupacnosti_birackih_mesta_beogra_d_kragujevac_sombor%20.pdf

¹⁰⁷For instance, in the Belgrade municipalities such as Novi Beograd, about 58% of the PBs are not accessible to PWDs mostly because of the lack of ramps or lifting platforms for the stairs; 59% of PSs in Inin Vracar and 75% in Savski Venac are defined as non-accessible for the same reasons as mentioned above. The results for the city of Kragujevac show that 62% of the PSs do not fulfil the requirements for accessibility, and 88% in Sombor do not meet the requirements.

¹⁰⁸On 6 December 2019, the Republic Election Commission and the Center for Independent Living Serbia, signed the Protocol on comprehensive cooperation to ensure easier access to polling stations and equal participation in elections for persons with disabilities.

¹⁰⁹Municipal/city administration reports for each can be found here: <https://www.rik.parlament.gov.rs/tekst/3194/pristupacnost-birackih-mesta.php>

¹¹⁰The guides can be found at the following links: <https://www.rik.parlament.gov.rs/vest/6665/vodic-za-glasanje-biraca-koji-su-osobe-sa-invaliditetom-na-izborima-21-juna-2020-godine.php> and <https://www.rik.parlament.gov.rs/vest/7783/vodic-za-glasanje-van-birackog-mestana-izborima-21-juna-2020-godine.php>

¹¹¹Several videos can be found at the following page: https://www.youtube.com/channel/UCjBsJcOKD0qQLWcQq_hdFDuw/videos

¹¹²Article 29 of the UN Convention on the Rights of Persons with Disabilities: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

XIII. COMPLAINTS AND APPEALS

The Constitution guarantees the right to challenge any decisions on the rights, obligations or lawful interests. Every voter, candidate and submitter of an electoral list has the right to the protection of their suffrage and can file complaints about violations of the election law.

The protection of the right to vote is provided by the Republic Election Commission, the Administrative Court and the competent courts¹¹³. Complaints related to the decisions, acts or omissions of pooling boards and related to the breach of suffrage during the elections, or irregularities in the procedures of candidacy or voting are challenged at the REC. Hence, some concerns about possible conflicts of interest are raised when complaints against REC decisions are filed with the REC itself. A complaint must be filed with the REC within 24 hours from the making of a decision or from the moment of committed omission. The law does not provide for complaints to be filed directly with the PBs on Election Day, as they are submitted to the REC within 24 hours of the closing of the polling stations.

Appeals are filed with the Administrative Court within 48 hours of the receipt of a decision. The Court has final jurisdiction and no extraordinary legal remedies may be submitted against it. A public hearing is not mandatory and election-related appeals continue to be heard on camera, which is at odds with international standards¹¹⁴. If the Court upholds the appeal and annuls the electoral action or elections, the relevant electoral action or elections shall be repeated within a 10-day time period¹¹⁵.

ENEMO notes that the right to effective remedy is limited due to challenging the decision to the same body that issued it, deadlines that are too short for lodging and deciding on election-related complaints due to the lack of opportunities to lodge complaints at PBs on Election Day and the lack of hearing publicity. In line with OSCE commitments, to ensure effective legal redress, the law should be amended to ensure impartiality of the body that makes decisions on the complaints and to establish clear rules and procedures for election dispute resolution, including Election Day procedures.

Prior to Election Day, the REC received 2,880 complaints related to the electoral process. Among the 2,880 complaints, 2,862 complaints were regarding the REC's Decision of 11 May 2020 on the continuation of election activities during the procedure of elections for deputies of the Parliament. All complaints were rejected as submitted out of the legal term or by unauthorized persons. Several complaints filed by the voters with the REC on the same day, based on the same facts and the same legal basis, were merged into one procedure by the REC acts. The Law guarantees the right of the voter to submit a complaint and the obligation of the REC to issue a decision on it, but the possibility of merging several complaints into one procedure is established only by the Law on general administrative procedure¹¹⁶. Despite this legal provision, the Administrative Court did not merge appeals into one procedure, considering that there is no possibility of merging appeals with regard to the cases related to the protection of electoral rights.

¹¹³Article 7, Law on the Election of MPs.

¹¹⁴Code of good practice in electoral matters p. III. 3.h. "The applicant's right to a hearing involving both parties must be protected."; Compilation of Venice Commission opinions and reports concerning election dispute resolution p. 111: "[I]n order to comply with international standards, this process should clearly provide the following for voters, candidates, and political parties: (...) the right to a public hearing on the complaint."

¹¹⁵Article 97, Law on the Election of MPs.

¹¹⁶Article 95 p. 1 states: "The body may initiate and conduct one procedure with several parties whose rights or obligations are based on the same or similar factual situation and the same legal basis, if it is really competent to decide on their administrative matters."

ENEMO underscores that despite the high number of complaints with the same object lodged with the REC, solving multiple complaints with one decision should not become a common practice, or clear criteria should be established.

The other 18 complaints pertained to REC decisions on verifying candidate lists, modification of the Instruction on conducting elections, procedures for voter signature collection and verification, the epidemiological situation and the safety of continuing the election process, the registration procedure and determining the status of a national minority political party or a coalition of national minority political parties. While the majority of the complaints were rejected as groundless or as inadmissible, one complaint was accepted and therefore the REC's decision was annulled.

Thirteen of the REC's decisions on complaints were appealed at the Administrative Court, and the majority of them were rejected as groundless or submitted out of the legal term or by unauthorized persons. Three appeals were accepted and the REC's decisions were annulled. ENEMO notes that there is no publicly available registry of all submitted complaints at the REC, which limits the transparency of the process. Moreover, the process of resolving complaints after Election Day lacked transparency¹¹⁷ as the decisions were not published before the day for publishing final results (5 July).

ENEMO underlines that the REC should ensure the transparency of the election dispute resolution process by publication of the complaints and decisions in a timely manner.

After Election Day, the REC examined 3,357 complaints submitted by voters and candidates¹¹⁸ mostly concerning alleged irregularities in the procedure for conducting voting and determining the results of voting and violation of the right to vote. Of these complaints, 3,312 were rejected as unfounded, 44 were dismissed as submitted out of the legal term and one complaint was accepted. Among the 3,312 complaints, 2,717 with similar claims were submitted by 14 voters alleging violations of the rights of voters who supported the "Sovereigns" electoral list and irregularities, to the detriment of the same electoral list in more than 2,700 polling stations.

Several ENEMO interlocutors expressed concerns over the high number of complaints and appeals submitted with repetitive claims, considering them as attempts to overload the REC with work. When complaints are not resolved within the legal deadline of 48 hours, the complaints are considered accepted¹¹⁹. While the presumption of accepted complaints has as its effect the absolute compliance of the electoral administration and of the court with legal deadlines, it may raise the risks of poorly reasoned decisions or complaints accepted without examination.

Consideration should be given to extending the legal deadline for resolving complaints in line with international standards and to reviewing the presumption of accepting complaints in the case of not resolving them in time.

Following complaints of Election Day irregularities¹²⁰, declared as submitted by authorized persons and in time at least in 2,928 cases, the reason for rejection was that the proposals to adopt the objections did not receive the majority of votes of the members of the Republic

¹¹⁷Paragraph 100 of the Venice Commission's Compilation of Venice Commission Opinions and Reports Concerning Election Dispute Resolution states that "the complaints and appeals system should be transparent, with the publication of complaints, responses, and decisions. Transparency provides assurance to complainants and voters that electoral malfeasance has been corrected as well as serving as a potential deterrence to future misconduct."

¹¹⁸Eighty-five complaints were submitted by the Coalition "For the Kingdom of Serbia", and 92 complaints were submitted by the Coalition United Democratic Serbia.

¹¹⁹Article 96 paragraphs (1) and (7) of the Law on election of Members of Parliament.

¹²⁰Alleged irregularities included the use of phones and other means of communication in the polling station, irregularities in the process of counting and tabulation, violation of the secrecy of the vote, theft of election materials, collective voting, influence on voters, the presence of persons in the polling stations having no rights and duties in connection with the conduct of the elections, keeping parallel voting at the polling station, voting in place of another voter, campaigning and advertising for a candidate within a radius of 50 metres, voting without prior identification of the voter, etc

Election Commission¹²¹. *ENEMO notes that the REC decisions lacked legal reasoning, as they were rejected based on only procedural grounds. In those cases, the REC failed to ensure effective legal redress, which is at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document and Code of Good Practice.*

When annulling REC decisions on rejecting complaints due to failure to meet the number of votes, the Administrative Court stated that the annulled decision of the Commission was made with a significant violation of the legal provisions¹²². According to the law, the body should determine the facts and circumstances, the explanation of the decision must be understandable and contain a brief statement of the party's request and the evidence, the reasons that were decisive in the evaluation of each piece of evidence, the regulations and, given the established facts, the reasons why a request or proposal was not accepted.

As a result of the Administrative Court's annulment of REC decisions, the REC ruled in repeated procedures on 2,368 of the complaints, rejecting as unfounded 2,310 complaints and suspending procedures for resolving 58 complaints¹²³. Regardless of the alleged irregularities, the REC mainly justified rejections by the lack of evidence submitted by complainers in support of allegations, and by inspecting the submitted Minutes of the Polling Boards,¹²⁴ the REC concluded that the Polling Boards acted in all respects in accordance with its legal powers and obligations.

ENEMO notes that the prohibition of the use of mobile phones and other means of communication together with the lack of opportunities to submit complaints directly at the PB make it almost impossible to submit evidence regarding irregularities that took place in the polling stations. Efforts should be made to provide a clear mechanism to ensure effective legal redress pertaining to Election Day irregularities.

Three complaints were submitted against the Report on the overall results of the elections for members of Parliament¹²⁵ and 12 complaints were submitted against the Decision on the allocation of mandates of members of Parliament¹²⁶. Complainers alleged that the disputed REC decision and report were adopted before the completion of the procedures for the protection of electoral rights. The REC rejected all complaints as unfounded, reasoning that under Articles 78 and 85 of the Law on the Election of Members of Parliament, the REC was obliged to determine and publish the total results not later than 96 hours from the end of repeated voting (5 July), that deadlines cannot be extended and that the REC was not conditioned by the finality of the results from all polling stations where voting was held. As they were submitted appeals, the Administrative Court upheld the REC's decisions.

The REC report on conducted elections for members of Parliament and the REC decision on allocation of mandates of members of Parliament were also the objects of submission of the appeal before the Constitutional Court¹²⁷. The appellant alleged that the adoption of the report was premature because proceedings regarding the appeals of various actors in the election process were still pending before the Administrative Court. As of 31 July 2020, no decision of the Constitutional Court has been issued.

¹²¹According to Article 21, paragraph 5 of the Rules of Procedure of the Republic Election Commission "Official Gazette of RS", no. 16 of 27 February 2020 and no. 92 of 29 June 2020, "If the proposal to be voted on does not receive the required majority of votes, the proposal will be considered rejected."

¹²²Article 102, paragraph 1 and Article 141, paragraph 4 of the Law on General Administrative Procedure.

¹²³Article 101, paragraph 1 of the Law on General Administrative Procedure. Suspension of the procedure was reasoned by adopting the REC Decision on the repetition of voting at polling stations where voting was annulled and where re-voting was ordered in the elections for deputies of the National Assembly, which determined that on 1 July 2020, at the indicated polling stations, voting for the Parliamentary elections should be repeated, so the outcome of the complaints had already occurred.

¹²⁴Minutes on the work of the PB on conducting the voting and determining the voting results.

¹²⁵"Official Gazette of RS", no. 96 of 5 July 2020.

¹²⁶"Official Gazette of RS", no. 99 of 15 July 2020.

¹²⁷The Appeal to the Constitutional Court was submitted by the group of citizens "Sergej Trifunović-Free Citizens' Movement" on 14 July 2020.

ENEMO notes that in line with international standards and good practices¹²⁸, while the appeal body has authority to annul elections when irregularities may have affected the outcome, the adopted decisions on determination of the final results might be considered issued contrary to the authority of the Administrative Court.

ENEMO recommends that lawmakers eliminate the existing inconsistencies and, in line with international practice¹²⁹, establish that the REC does not determine the final results of the election until it has received the rulings on any complaints filed with the REC and the Administrative Court that may have a bearing on the outcome of the election.

In the post-electoral period, the Administrative Court received 4,755 appeals for the protection of electoral rights. Of these appeals, 2,385 appeals were accepted, 1,908 were rejected and 449 were dismissed. In 13 cases, the procedure was terminated.

Other election-related disputes

The Anti-Corruption Agency makes decisions in the election campaign on violations of the Law within 5 days and imposes measures by initiating and conducting the procedure ex-officio or when receiving the complaint from a legal or natural person. Complaints against ACA decisions are filed with the Administrative Court.

According to the ACA, up to 5 July, 48 reports on violations of art. 29 of the Law on ACA were submitted, based on which the ACA issued four measures of public announcement of recommendation for dismissal and seven warning measures. Regarding the other 35 reports against political entities on violations of the Law on Financing of Political Activities pertaining to the election campaign that were submitted, the ACA issued five warning measures and accepted one request for initiation of misdemeanour proceedings.

While **the** ACA's decisions on violations of the Law on Financing of Political Activities are published every time, decisions regarding complaints of violation of Article 29 of the Law on the ACA are published solely on measures of public announcement of recommendation for dismissal and measures of public announcement of violation of the Law on the ACA. Thus, measures of warnings applied or reports in which the ACA did not find a violation are not public.

ENEMO notes that the lack of publicity of several ACA decisions on the usage of administrative resources during election periods is at odds with international standards¹³⁰ and undermines the transparency of the electoral process.

Additional steps should be taken in order to ensure the transparency of complaints regarding the misuse of administrative resources related to the electoral processes.

¹²⁸Paragraph 2 of the Venice Commission's Compilation of Venice Commission Opinions and Reports Concerning Election Dispute Resolution states: "The appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station. In the event of annulment, a new election must be called in the area concerned."

¹²⁹Paragraph 80 of the Compilation of Venice Commission Opinions and Reports Concerning Election Dispute Resolution, Joint Opinion on the Draft Law No. 3366 about Elections to the Parliament of Ukraine, states that "it is important that the CEC does not determine the final results of the election until it has received the rulings on any complaints filed with the electoral commissions and the courts which may have a bearing on the outcome of the election."

¹³⁰Paragraph 5.3 of the Venice Commission and the OSCE/ODIHR Joint Guidelines for preventing and responding to the misuse of administrative resources during electoral processes states that "the legal framework should provide for the availability of trustworthy, diverse and objective information to voters and political competitors on the use of administrative resources during electoral processes operated by public authorities as well as entities owned or controlled by public authorities."

From the beginning of the election campaign up to 31 July, the ACA published 35 decisions relating to elections and complaints regarding misuse of public funds or other public resources. In 24 decisions, the ACA concluded that there were no grounds to decide on the claim that there was injury to art. 23 of the Law on Financing of Political Activities. In seven decisions regarding usage of the premises of public institutions¹³¹, usage of employees of public institutions or public companies in their official uniforms in their campaign material¹³², the Agency found that art. 23(3) of the Law on Financing of Political Activities was breached, applying in four cases warning measures and in one case a corrective measure. In four decisions regarding the usage of premises of public institutions and enterprises and usage of municipality websites for political promotion, the Agency found that art. 29 of the Law on the Anti-Corruption Agency was breached and imposed four measures of public announcement of the recommendation for dismissal of public officials and heads of public companies from their positions¹³³.

ACA found several cases of misuse of administrative resources by submitters of electoral lists and issued warnings and orders to the political parties not to use administrative resources for campaign purposes. No fines were issued for above mentioned cases of abuse of state resources which is at odds with international best practice¹³⁴.

Consideration should be given to establishing the misuse of administrative resources in election campaigns as an electoral offence, with proportionate electoral sanctions established for infringements of the prohibition of the misuse of administrative resources.

Criminal offences

Chapter 15 of the Criminal Code “Crimes against Electoral Rights” prescribes what conduct in the electoral process is considered a criminal offence. In this chapter, the Criminal Code provided for the following offences: violation of the right to run in elections, violation of the right to vote, giving and accepting bribes in connection with voting, abuse of the right to vote, compiling of inaccurate voters’ lists, prevention of voting, violating the secrecy of voting, ballot and election fraud, and the destruction of documentation on voting.

At least two reports to the Prosecution Office were submitted by civil society organizations. On 16 June, one criminal offence relating to bribery of the voters was submitted against the director of the public company that promised a new road in a village.¹³⁵ After Election Day, a criminal offence relating to destroying the documentation of voting was submitted to the Prosecutor Office¹³⁶.

¹³¹Organization of an event by Healthy to Win with the purpose of promoting the political party on the premises of a local elementary school; usage of the premises of public companies in a video by the Socialist Party of Serbia; premises of the public in a video of Serbian Progressive Party, organization of a political event by the citizens group “Novi ljudi za bolju Topolu” Topola in the school of Belosavci village.

¹³²Two statements were given by a doctor in her official uniform and by a man dressed in a uniform with the “EPS” emblem referring to public company “Elektroprivreda Srbije” in the promotional video of the Serbian Progressive Party.

¹³³The Mayor of Novi Knezavac, the Mayor of Sabac, the director of JKP Toplana Valjevo, and the director of JKP Vodovod Valjevo.

¹³⁴The Venice Commission and the OSCE/ODIHR Joint Guidelines for preventing and responding to misuse of administrative resources during electoral processes states on p. 2.1: “The legal framework should define the misuse of administrative resources during electoral processes as an electoral offence”; and on p. 2.2: “The legal framework should establish clear, predictable and proportionate sanctions for infringements of the prohibition of the misuse of administrative resources, from administrative fines to the ultimate consequence of cancelling election results where irregularities may have affected the outcome.”

¹³⁵<https://crta.rs/wp-content/uploads/2020/06/Krivi%C4%8Dna-prijava-protiv-Zorana-Drobnjaka-v.d.-direktora-JP-Putevi-Srbije.pdf>

¹³⁶<https://crta.rs/wp-content/uploads/2020/07/Krivi%C4%8Dna-prijava-protiv-NN-lica-Unis%C4%8Ctavanje-dokumenata-o-glasanju-c%C4%8C1-162-KZ-zapisnika-o-radu-BO.pdf>

XIV. ELECTION DAY

On Election Day, ENEMO did not conduct a systematic observation throughout the country, but its representatives visited a number of polling stations to observe the voting as well as the initial procedures related to the closing of the polling stations. Observers were able to properly monitor the voting and the closing procedures.

Election Day was overall calm and peaceful. The context of holding the elections was greatly influenced by the Covid-19 pandemic. The management of the polling process and the conduct of the Polling Boards (PBs) was mainly assessed positively, with the majority of PB staff and voters respecting the prescribed protective measures.

Opening procedures at polling stations observed were mostly respected, while the PBs seemed not fully confident in the procedures and sometimes disorganized. This was visible particularly with regard to the sealing of the ballot boxes and preparing the control sheets, as well as following the prescribed procedures during the voting in regard to using the invisible spray, voter identification and handling of the voters list. According to ENEMO observers, sometimes the setup of the polling stations was not appropriate due to limited space, which might have affected the secrecy of votes at some polling stations (screens were placed in a way that PB staff could see the voter's preference).

Domestic observers and media reported on several irregularities, such as keeping parallel track of the voters on parallel voters lists, the presence of suspicious cars in the vicinity of PSs, taking photos of the ballots, family voting and indications of carousel voting¹³⁷. Moreover, several incidents that included fights among PB staff or voters, vandalizing parties' premises and groups of unidentified persons taking photos at the PBs were reported in the media.

XV. ELECTION OBSERVERS

Even though specific guidelines providing for the accreditation of domestic and international observers were adopted by the REC, the electoral law continues to lack provisions for domestic and international election observation, which conflicts with international standards and previous OSCE/ODIHR recommendations¹³⁸.

Both domestic and international organizations have the right to observe the election process. All observer organizations can be accredited by the REC, provided that they fulfil the accreditation requirements by being officially registered and have election-related activities and election observation in their statutory documents. However, there is a limit to the number of citizen observers per organization per PB, so that at each PB, only one person is able to observe. In addition, through their nominating entities, registered candidate lists may appoint authorized representatives to each election administration body. The deadline for accreditation of domestic organizations expired on 15 June 2020, whereas the deadline for international organizations was 10 June 2020.

¹³⁷https://crta.rs/wp-content/uploads/2020/10/Parlamentarni-izbori-2020_Crta_Završni-izvestaj.pdf;

http://www.cesid.rs/wp-content/uploads/2020/09/Finalni-izve%C5%A1taj-o-kvalitetu-izbornog-procesa_CeSID.pdf

¹³⁸Paragraph 8 of the 1990 OSCE Copenhagen Document provides that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place".

A. Domestic Observers

The REC accredited seven domestic observer organizations for the 21 June parliamentary elections, which had a total of 3,344 domestic observers: CRTA (2,001 accredited observers), CeSID (565), OFID (322), CIP (314), Centar za unapredjenje lokalnih politika (134), Akademska Inicijativa Forum 10 (7) and UCOM (1). ENEMO interlocutors mentioned that the current provisions were less constraining compared with previous years and that they provided, for the first time, for observation of the homebound voting. Domestic observer organizations did not mention concerns in regard to limitations of both observer accreditation and the monitoring process. Among the registered Citizen Observer Organizations, CeSID and CRTA are members of the Global Network of Domestic Election Monitors and of the European Network of Election Monitoring Organizations. ENEMO noted that these two organizations continue to be the leading election observer groups that have the largest presence in Serbia. Both of them conducted Parallel Vote Tabulation (PVT) on Election Day¹³⁹.

B. International Observers

The REC accredited 111 international observers, of which two were international observation missions – the OSCE/ODIHR with 12 election experts and ENEMO with six election experts. In addition, 93 international observers were accredited, including the US Embassy (25 accredited observers), EU Delegation (12), German Embassy (8), French Embassy (8), Canadian Embassy (5) and other international delegations from foreign election commissions and observers from diplomatic missions.

ENEMO recommends that the electoral legislation be amended to explicitly provide for the accreditation of both domestic and international observers. It should plainly provide for observers' access to all stages of the electoral process and clearly define their rights and obligations.

¹³⁹CRTA (500 PBs), CeSID (500 PBs).

XVI. RECOMMENDATIONS

A. Priority Recommendations

To the Parliament of Serbia

- In order to introduce transparency of campaign finances during the electoral campaigns, ENEMO recommends amending The Law on Financing of Political Activities with the obligation to submit interim campaign finance reports and a final campaign finance report two days after the Election Day. These reports ought to be published by the supervisory body within 48 hours of their submission.
- ENEMO recommends that the electoral legislation be amended to explicitly provide for the accreditation of both citizen and international observers. It should plainly provide for observers' access to all stages of the electoral process and clearly define their rights and obligations.
- In order to improve PBs' professionalism, eliminate shortcomings in their activity and enhance the accuracy of protocols, a more comprehensive education of the members of the Polling Boards should be ensured.
- The legal framework should be amended to establish the misuse of administrative resources in election campaigns as an electoral offence, with established proportionate electoral sanctions for infringements of the prohibition of the misuse of administrative resources.
- The legal deadline for resolving complaints should be extended in line with international standards.
- The legal framework should be amended to ensure the impartiality of the electoral body that decides on the complaint, to extend the legal deadline for resolving complaints in line with international standards, and to establish clear rules and procedures for election dispute resolution, including Election Day procedures.
- New regulations should be introduced by the authorities to prevent functionary campaigning and to clearly differentiate the role of public officials from their role during the election campaign. Moreover, sanctions should be imposed for any infringement of the regulations, while additional measures should be implemented to ensure that media broadcasters comply with the regulations.
- ENEMO deems that new mechanisms for preventing pressure on voters, including public employees, should be implemented. Each allegation of pressure on voters should undergo an investigation and be prosecuted accordingly.

B. Other Recommendations

To the Parliament of Serbia

- To ensure equal opportunities, ENEMO emphasizes the urgent need to introduce limits for expenses in the Law on Financing of Political Activities, in line with GRECO recommendations, and recommends clarifying the legal provisions on loans and introducing reporting obligations on third-party financing of election campaigns.

- ENEMO recommends amending the Law on the Anti-Corruption Agency with clear provisions that would prohibit civil servants from campaign activities in their official capacity, either by being candidates themselves or while supporting candidates, and sanction them for violations.
- ENEMO recommends amending the Law on the Anti-Corruption Agency with provisions that will introduce more obligations for the Anti-corruption Agency in terms of performing control, respecting deadlines and publication of the campaign finance assessment reports.
- Clear and comprehensive provisions on the work of the Working Bodies should be established in the Law on the Election of Members of the Parliament.
- Legislation should provide for the possibility of individual citizens standing as independent candidates.
- The Law on the Election of Members of the Parliament should be amended to allow voters to sign for more than one candidate list during the phase of collection of supporting signatures in order to make the process more inclusive and to further promote pluralism.
- Deadlines for final decisions on candidate registration should be set to precede the date of the official start of the election campaign period.
- In order to ensure the stability of electoral law and the predictability of electoral rules in accordance with international standards, the legal framework should be amended to ensure that fundamental rules are included in the law, while rules on technical matters and details may be included in REC regulations and instructions.
- ENEMO recommends that lawmakers eliminate the existing inconsistencies, establishing, in line with international practice, that the electoral body does not determine the final results of the election until it has received the final rulings on the complaints, which may have a bearing on the outcome of the election.
- ENEMO recommends establishing clear rules for granting the status of national minority to the candidate lists, including regulation of the criteria that need to be met and their weights.
- To provide safeguarding mechanisms for adequate gender representation in the Parliament, ENEMO deems that consideration could be given to amending the law, ensuring that when a person withdraws from a list, vacancies are filled by a same-gender person.
- Since the post-election inspection of the voters list is provided for only in the REC Instructions, considerations should be given to regulating voters' rights in the law.
- The Regulatory Authority for Electronic Media (REM) should undergo additional reforms that would lead to greater independence, ensuring higher proactivity, transparency and independence, as well as expanding its mandate to all forms of media.

To Political Parties and Candidates

- Political parties and candidates should refrain from misusing state resources in order to ensure a level playing field for all contestants in the electoral process.

To the Republic Electoral Commission

- ENEMO notes that the principles of publicity and accessibility to the election administration bodies should be respected and guaranteed to the public and all voters.
- The procedures implemented by the REC during its activities should be clarified to ensure transparency at all stages of the process, consistency and legal certainty.

- The REC should impose measures to enhance the accuracy of Polling Boards' work, namely on the drafting of PB protocols. Additionally, proportionate sanctions should be imposed for irregularities.
- The decisions on the establishment of the polling stations should be taken in a transparent manner, based on clear and well-defined criteria, and should be provided with adequate mechanisms to ensure full and timely compliance and cooperation. During electoral periods, the REC should ensure communication with other states' institutions and should establish proper conditions for electoral materials delivery.
- ENEMO assesses that additional efforts should be made to equip the polling stations with the needed facilities that would enable easy access to the polling stations for persons with mobility impairment, or persons with visual impairments to cast their ballots independently, so that the right to secrecy of the vote is ensured. In addition, PBs should have further training on the legal provisions and standards for ensuring the right to vote for persons with disabilities. Adequate policies are also needed to improve the overall participation of persons with disabilities in elections and politics.
- The decisions on the establishment of the polling stations should be taken in a transparent manner, based on clear and well-defined criteria, and should be provided with adequate mechanisms to ensure full and timely compliance and cooperation. ENEMO underlines that the REC should ensure the transparency of the election dispute resolution process by publication of the complaints and decisions on them in a timely manner.
- The mechanism for accessing the excerpt from the voters list after Election Day should be improved in order to ensure voters' access in a timely manner.
- To the Government and Other Institutions involved in the Electoral Process
- To the Ministry of Public Administration and Local Self-Government
- ENEMO recommends that additional steps be taken to apply the adopted methodology for verification of the voters list and to ensure the accuracy of the voters list.
- To increase transparency in the voter registration process and to enhance public trust in the voters list, consideration could be given to displaying partial data from the voters list for public scrutiny in line with the law and international good practice.

To the Anti-Corruption Agency

- ENEMO recommends that the Anti-Corruption Agency publish in due time all its decisions on complaints against breaching the Law on Financing of Political Activities and the Law on the Anti-Corruption Agency, as well as the financial reports of the participants in elections and their campaign finance assessment analysis.

XVII. ABOUT ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on 29 September 2001 in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 30 international election observation missions to eight countries: Moldova 2019, Local elections; Ukraine 2019, Early Parliamentary elections; Ukraine 2019, Presidential elections; Moldova 2018–19, Parliamentary elections; Armenia 2018, Early Parliamentary elections; Moldova 2016, Presidential elections; Ukraine 2015, Regular Local elections; Ukraine 2014, Parliamentary elections; Ukraine 2014, Presidential elections; Ukraine 2013 – Rerun of Parliamentary elections 2012 in 5 DEC's; Kosovo 2013, Local elections, first round; Ukraine 2012, Parliamentary elections; Kosovo 2011, Rerun of Parliamentary elections; Kosovo 2010, Parliamentary elections; Kyrgyzstan 2010, Parliamentary elections; Ukraine 2010, Presidential elections, second round; Ukraine 2010, Presidential elections, first round; Kosovo 2009, Local elections; Moldova 2009, Parliamentary elections; Georgia 2008, Presidential elections; Kyrgyzstan 2007, Parliamentary elections; Ukraine 2007, Parliamentary elections; Ukraine 2006, Local elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary elections; Kazakhstan 2005, Presidential elections; Albania 2005, Parliamentary elections; Kyrgyzstan 2005, Presidential elections; Kyrgyzstan 2005, Parliamentary elections; Ukraine 2004, Presidential elections, second round rerun; and Ukraine 2004, Presidential elections.

ENEMO member organizations are: Centers for Civic Initiatives (CCI), Bosnia and Herzegovina; Center for Democratic Transition (CDT), Montenegro; Centre for Monitoring and Research (CeMI), Montenegro; Center for Free Elections and Democracy (CeSID), Serbia; In Defense of Voters' Rights 'GOLOS', Russia; Gong, Croatia; International Society for Fair Elections and Democracy (ISFED), Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; Promo-LEX, Moldova; OPORA, Ukraine; Society for Democratic Culture (SDC), Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; and Committee of Voters of Ukraine (CVU), Ukraine.

XVIII. LIST OF ABBREVIATIONS USED

ACA – Anti-Corruption Agency

EC – European Commission

GRECO – Group of States against Corruption

LACA – Law on the Anti-Corruption Agency

LFPA – Law on Financing of Political Activities

MPA – Ministry of Justice and Ministry of Public Administration and Local Self-Government

OSCE/ODIHR – Office for Democratic Institutions and Human Rights

PBs – Polling Boards

PS – Polling Station

REC – Republic Election Commission

SNS – Serbian Progressive Party

Venice Commission – The European Commission for Democracy through Law

WBs – Working Bodies

