



ENEMO International Election Observation Mission

Presidential and Early Parliamentary Elections, 03 April - Serbia 2022

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

04 April, 2022

Elections were generally efficiently managed by the election administration, despite violations and incidents observed on Election Day. However, the campaign was marred by allegations of misuse of state resources, abuse of incumbency, pressure on voters, and claims of inaccuracies in the voters' register affecting overall trust in the process. Authorities responsible for campaign and media oversight did not fully ensure a level-playing field among contestants. ENEMO assesses that longstanding issues related to media accessibility, accountability, and transparency in elections remain to be addressed.

On 01 March, 2022, the European Network of Election Monitoring Organizations (ENEMO) officially deployed an International Election Observation Mission (IEOM) to Serbia, to observe the upcoming Presidential and Early Parliamentary Elections of 03 April, 2022.

ENEMO has deployed a total of six Core Team experts based in Belgrade. The Mission is headed by Mr. Pierre Peytier. ENEMO has additionally deployed ten long-term observers (LTOs) in five multinational teams throughout the country, in five regions. On Election Day, ENEMO long term observers will observe the opening of polling stations, voting and counting processes on Election Day.

Additionally, up until 03 April, 2022, the ENEMO experts and observers conducted 374 meetings, with election management bodies, political parties, candidates, state officials, media and with domestic civil society organizations, in addition to observing 30 campaign activities (meetings or rallies).

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

This Preliminary Statement is based on ENEMO's findings from the pre-election period and the Election Day. The Statement should be considered in conjunction with the Interim Report of the mission, issued on 22 March, 2022. The Mission will stay in the country until the conclusion of the electoral process to follow post-election developments. A final report, including a full assessment, which will depend in part on the conduct of the remaining stages of the elections, detailed findings, and recommendations will be issued within sixty days from the certification of results.

Disclaimer: ENEMO's international observation mission for the 03 April, 2022 Presidential and Early Parliamentary Election in Serbia is financially supported by the National Endowment for Democracy, NED. The content of the document is the sole responsibility of ENEMO and does not necessarily represent the position of the donors.



Preliminary Conclusions

Presidential, early parliamentary, and local elections in 14 localities were held on 03 April, 2022. A total of 19 electoral lists were running in the early parliamentary elections, while eight candidates were running in the presidential elections, of which three were women candidates. On Election Day, the Republic Electoral Commission (REC) announced that preliminary voter turnout would be announced the day after the election.

In the limited number of polling stations observed by ENEMO, Election Day procedures, including counting, were generally conducted efficiently and in accordance with the law. However, the mission was informed of cases of attacks and physical altercations in the vicinity of polling stations, violence towards candidates, and long queues of voters outside polling stations. Reportedly, although voters in queues at the time of closing (20:00) were generally allowed to vote with delays, several voters in queues were denied the possibility to exercise their right. Accordingly, this caused delays in the counting and tabulation process.

The electoral legal framework underwent significant amendments two months prior to elections, incorporating a number of recommendations issued by international and domestic observer organizations. However, key aspects of elections remained unaddressed. ENEMO notes that the recent amendment process was a missed opportunity to further address shortcomings related to media coverage, campaign finance regulations and misuse of administrative resources that would reduce inequality among electoral contestants.

For the first time, presidential and parliamentary elections were managed by a three-tiered administration, led by the Republic Electoral Commission (REC) and involving Local Electoral Commissions (LECs) in the process. Recent amendments enabled non-parliamentary parties' temporary representation at all levels for the election administration and simultaneously maintained the previous provisions.

The election administration met legal deadlines and managed technical aspects of the elections efficiently, despite the constrained deadlines. REC sessions were open and transparent, while the REC clarified aspects left ambiguous by the general provisions of the law. However, due to short timeframes following the legal amendments, many of these bylaws came late in the process. It also limited sufficient time to communicate these bylaws and ensure their understanding by lower-level elections commissions.

LECs operated efficiently and transparently, holding frequent meetings open to election stakeholders. However, ENEMO assesses that the lack of unified understanding of the legislation and of the REC's instructions created risk in the process. Increased responsibilities of LECs such as verifying protocols and handling complaints was deemed challenging. Some LEC members were performing other duties at their current workplace, limiting their full commitments to their commission member tasks.

ENEMO assesses that the voter registration process generally lacked transparency. Concerns should be raised regarding the accuracy of the voters' register, mainly related to the number of deceased voters in the lists and allegations of "phantom voters". Despite voters being able to

review their data and request corrections, the voters' register was not available for public scrutiny. In comparison, the preliminary number of voters on the register for the 2022 Referendum was higher by approximately 7,500, with no clear explanation for this decrease. These issues reduced the level of trust in the voter register and may have affected the general level of public confidence in the integrity of the electoral process.

The candidate registration process was generally inclusive. In total, 19 electoral subjects registered in the parliamentary elections and eight candidates in the presidential elections. Four parties challenged their registration denial, and one case was upheld. Reducing the number of voters' signatures for minority parties increased the apparent competitiveness of the electoral process. However, the lack of a clear definition on how national minority candidates' lists were determined affected legal certainty and the integrity of the candidate registration process.

Although the campaign was generally inclusive, it was heavily marred by allegations of misuse of state resources, abuse of incumbency, vote-buying and voter intimidation especially towards public employees by ruling coalition parties. Many of these forms of pressure were quoted as continuous, and started well before the official start of the electoral process.

ENEMO assesses that allegations of voter intimidation and vote-buying affected general trust in the electoral process, while long standing practices of misuse of state resources and abuse of incumbency significantly limited opportunities for a level-playing field. The blurring of line between party and state, at odds with international standards, negatively impacted the campaign environment.

ENEMO observed that despite improved provisions on campaign finance transparency, several interim financial reports on campaign expenditures were not available on the Agency for the Prevention of Corruption (ACA) website by the legal deadline. Concerns should be raised regarding lists and candidates for which no interim financial report was published in time, which hindered campaign finance transparency. The lack of proactive stance by the ACA to address this shortcoming in time, and the absence of sanctions taken before Election Day for non-compliance with this requirement, are also reasons for concern. Generally, by limiting sanctions mostly to warnings, the ACA did not use more dissuasive sanctions such as administrative fines which it had at its disposal in the law.

ENEMO observed a lack of sufficient media autonomy from political interests, both at the central and local level, which restricted independent reporting. Many ENEMO media interlocutors expressed concerns about biased editorial policies in public and a number of mainstream private media. Debates between contestants were organized by many channels. However, leading candidates refused to jointly participate, which limited opportunities for voters to make a fully informed choice. The ruling party used the President's position to its benefit, since extensive reporting about his activities dominated in most media outlets. Despite the array of sanctions at its disposal, the REM limited its sanctions to ineffective warnings, which failed to prevent further violations.

The mission observed significant discrepancies between the level of verbal complaints and allegations of irregularities with the actual number of formally submitted complaints. ENEMO

noted that party representatives and voters most often refrained from submitting complaints, due to fear of retribution and low trust in the judiciary system in general.

Background

Presidential, early parliamentary, and local elections in 14 localities were held on 3 April, 2022. Early parliamentary elections were called on 15 February, while regular presidential elections were called on 2 March. A total of 19 electoral lists were running in the early parliamentary elections, while eight candidates were running in the presidential elections, of which three were women candidates.

Presidential elections were scheduled in line with the constitutional provisions. The Parliament was dissolved on the basis of the legal provisions enshrined in Article 109 par. 1 of the Constitution, according to which the President of the Republic can dissolve the National Assembly upon a reasoned proposal of the Government. ENEMO notes that these provisions are unclear, as they do not specify the notion of “reasoned proposal”, and therefore remain highly subject to interpretation¹.

Previous parliamentary elections in 2020 were boycotted by the political opposition, which claimed unfair campaign conditions and a biased media environment. The ruling Serbian Progressive Party (SNS) obtained an absolute majority in the National Assembly in 2020. Shortly after the 2020 parliamentary elections, President Aleksandar Vučić announced that early parliamentary elections would be held in 2022. On 29 October 2021, an agreement was reached among several political parties and the government to hold presidential, early parliamentary, and local elections on the same day (3 April 2022).

Following the 2020 parliamentary elections, three different initiatives were launched with an aim to improve the electoral process: an inter-party dialogue under international mediation by the European Parliament (1); a national dialogue between governmental parties and opposition parties in Parliament (2); and a Working Group, led by the government in cooperation with the OSCE-ODIHR, which intensified in December 2020 (3). This led to legal amendments adopted in February 2022, and the revised electoral legal framework under which these elections were conducted.

Elections took place in an environment marked by increasing social tensions, as well as significant distrust between the ruling coalition and opposition parties. These tensions sparked public protests in 2021 which reached their peak on 04 December and later in January 2022,

¹ ENEMO additionally notes that the decision upon which the Parliament was dissolved was not publicly available.

related to environmental issues² and the adoption of two laws in particular³. Roadblocks and protests continued in the midst of the holding of a Constitutional referendum with an aim to reform the judiciary, held on 16 January.

Additional tensions in these elections were caused by a disagreement regarding the possibility for Serbian voters in Kosovo to exercise their right to vote in presidential and parliamentary elections. As of November 2013, local elections in any municipality in Kosovo are no longer organized by Serbia, but those with Serbian ID cards could vote in parliamentary and presidential elections. A change occurred in January 2022 in the framework of the referendum on constitutional amendments. Likewise in these elections, Pristina decided not to allow polling stations to open in Kosovo, and buses were organized to transport voters from Kosovo to Serbian cities⁴.

In addition to the war in Ukraine which affected the campaign environment, all three electoral processes unfolded while discussions on potential NATO and EU membership accession remain ongoing in the country, as well as pending negotiations regarding the status of Kosovo.

Legal framework and electoral system

A. Legal framework

The legal framework for early parliamentary and presidential elections consists of the 2006 Constitution; the Law on the election of members of Parliament and the Law on the election of the President of the Republic. Other laws regulate certain segments of elections such as the Law on the Unified Electoral Register, the Law on Administrative Disputes, Law on Financing Political Activities and Law on political parties; Law on Prevention of Corruption and the Law on local elections.

As a result of long standing dialog among political parties and other electoral stakeholders, the legal framework for elections underwent a number of amendments prior to the start of the

² Protests were aimed at halting lithium exploitation in Serbia, and against the government's backing of the Anglo-Australian multinational mining corporation Rio Tinto.

³ A law on Law on Referendum and Public Initiatives and a Law on Expropriation.

⁴ On 22 March, the President Vučić, held separate meetings with the Ambassadors of the Quint countries (USA, UK, France, Germany and Italy) and with political representatives of the Serbs from Kosovo. Prior to those meetings, a session of the National Security Council was held in Serbia. On 22 March, the EU confirmed that Kosovo rejected the proposal of the Quint states regarding a solution proposed for the voting of Kosovo Serbs in the elections. On 24 March, the REC decided that voters from Kosovo could vote in Bujanovac, Raska, Kursumlija and Tutin.

electoral process. Despite the inclusive review process, some key aspects of legal frameworks were amended two months prior elections, which is at odds with international standards.⁵

Following these amendments, the REC, within its mandate, adopted several instructions further detailing aspects of the electoral process. The decisions and instructions were mostly technical and aimed at the consistent application of the legislation by lower level commissions and other stakeholders involved in the electoral process.

Despite the recommendations issued by international and domestic observer organizations, legal amendments remain to fully address issues related to media coverage, campaign finance regulations and misuse of administrative resources. Many ENEMO interlocutors raised concerns regarding the lack of substantial and effective legal guarantees to overcome cases of intimidation and pressure on voters. Moreover, insufficient and inconsistent regulations regarding misuse of administrative resources undermined the principle of equality among contenders, as those in power enjoyed uncompetitive access.

Several interlocutors raised concerns regarding the implementation of new provisions related to performance of lower election management bodies and the election dispute resolution process on Election Day and in the post-election period. However, ENEMO notes that generally, during the election preparation period, LECs complied with the legal deadlines and the electoral legislation.

B. Electoral System

The 250 members of the National Assembly are elected through direct elections by secret ballot for four-year terms. MPs are elected based on a party-list proportional representation system (List PR) with closed lists, where voters cast a single vote for their preferred party rather than voting for a candidate from that party in one nationwide constituency.

Electoral lists that surpass three per cent of votes cast have the right to participate in the distribution of seats⁶. National minority lists can participate in the distribution of mandates even if they have received less than 3 percent of the total number of votes cast. When the highest quotient system is applied to the distribution of mandates, the quotients of all electoral lists of national minority political parties or coalitions should increase by 35 percent.

A presidential candidate must obtain more than 50 percent of vote casts to be elected. If no candidate surpasses this threshold, a second round is held within 15 days between the two candidates who received the highest number of votes in the first round.

⁵ Paragraph 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.

⁶ The distribution of seats to candidate lists is calculated using the D'Hondt method.

Election Administration

Elections were managed by three-tiers of election administration comprising the REC, 161 LECs, and 8,115 PBs. Furthermore, 29 polling stations were established in prisons, 77 - in 34 countries⁷, and 46 – for voters from Kosovo. For each district of Serbia to manage electoral preparations, some 50 of its members were appointed as Regional Coordinators⁸.

Due to the amendments introduced in February 2022, the permanent composition of election management bodies was increased, enabling non parliamentary parties' temporary representation at all levels of the election administration. In addition, the previous provisions were maintained, and all registered political contestants were allowed to appoint a member and a deputy in the extended composition to all levels of the election administration. However, some LECs rejected several PB members' appointments from two political subjects, and later REC granted them by abolishing LEC's decisions⁹.

Some ENEMO interlocutors from LECs reported that organizing and dealing with three simultaneous electoral processes (two general and one in 13 municipalities) on the same date was challenging and overwhelming for the election administration.

A. Republic Electoral Commission

The REC worked in its extended composition during the election period, consisting of the chairperson and an additional 42 voting members for the parliamentary elections and 31 voting members for the presidential elections. In addition, the REC included a non-voting secretary and a representative of the National Statistical Office¹⁰. Gender balance was ensured, in compliance with the new legal provision.

The REC met legal deadlines prescribed in the election activity calendar and managed the technical aspects of the elections efficiently. Following the calling of elections, the REC held 47 Sessions¹¹. Decisions were made collegially by the majority of members while ensuring quorum. All the members and registered observers were provided with the agenda and materials at least a few hours before the sessions. The REC sessions were open, transparent, and all decisions were mainly uploaded in a timely manner, while minutes were published with delay on the REC webpage. However, because the legislation does not require publishing agendas in advance, the voters and interested stakeholders did not benefit from prior public notice when the sessions were broadcasted live.

⁷ According to Article 91, paragraph 4 of Law on the Election of Members of Parliament, the REC considering the different time zones, determined the time of beginning and end of voting at PSs abroad

⁸ REC decision adopted on 17 February 2022 file:///C:/Users/Admin/Downloads/ODLUKA%20-%20KOORDINATORI.pdf

⁹ *Ruski manjinski savez - Milena Pavlović, Pavle Bihali Gavrin (Srpsko ruski pokret, Srpsko ruska partija Vukovi, Pokret Grka Srbiza) and Vajdasági Magyar Szövetség-Pásztor István – Savez vojvođanskih Mađara-Ištván Pastor.*

¹⁰ All members have their deputies having the right to replace their substitutes.

¹¹ Both for the Parliamentary and the Presidential Elections.

As the REC does not have a permanent service, the National Assembly Service (NAS) provided professional and technical assistance. However, despite the technical capacity offered by the NAS not hindering the functioning of the REC, the lack of permanent service limited its performance. In addition, despite the REC being an autonomous and independent body which managed to deal with the tasks assigned by the law respectively, the political appointment of its members, which favors the ruling party in permanent composition, remained a concern for some ENEMO interlocutors.

As the election legislation provides mostly general provisions, ENEMO positively assesses the REC's performance in clarifying and detailing election-related activities and adopting several regulatory acts¹². However, some ENEMO interlocutors expressed concerns regarding short timeframes, as the by-laws were adopted just several days before the official calling of elections. Furthermore, a matter of concern among ENEMO interlocutors was time-constrained access while sharing all legislative provisions with the lower level election bodies, leaving space for various interpretations. The lack of clear, uniform and timely guidelines for LEC members, limited the establishment of universal practices and created risk in the process.

On 24 March, the REC adopted a decision¹³ allowing voters living in Kosovo to exercise their active voting rights. Subsequently, four LECs were formed in exceptional cases, including 46 polling boards¹⁴. Notwithstanding the short timeframes, the RECs' efforts while ensuring universal suffrage should be evaluated positively. The diversity of polling members was maintained in this case, and all entitled political subjects were able to appoint their members. Generally however, constrained deadlines limited the capacity for all authorized subjects to appoint their members.

Trainings for LEC and PB members, both online and in-person, observed by the mission were interactive. In addition, according to the REC the trainings were conducted in languages understandable for national minority poll workers. The trainings were organized for all LEC and PB members, although not all the members exercised the right to undergo the proposed courses, creating a risk of unpreparedness and lack of understanding especially by newer members. Furthermore, insufficient trainings was a particular concern.

The REC conducted the voters' informational campaign and prepared educational materials, including videos accompanied by sign language. However, the voter and civic information campaign was limited and was lacking in terms of content and diversity of sources. The REC did not actively use social media platforms as an option for raising awareness on election-related topics. In addition, the REC did not conduct any press conferences or briefings aimed at informing voters and all election stakeholders.

¹² Collection of Regulations on conducting elections scheduled for 03 April 2022

¹³ Decision 02 Number 013-1009/22

¹⁴ Regardless, the REC informed Kosovo authorities about elections in Serbia on time and demanded help to keep the elections unhindered, it was not considered.

B. Local Electoral Commissions

Due to the new legal provisions, for the first time, LECs were given the possibility to be involved significantly in the election process, apart from the technical management of elections.¹⁵ The responsibilities of the LEC members were extended in terms of verifying protocols as well as handling complaints. The LECs were composed in the same manner as the REC's, and reflected the legal amendments adopted prior to the elections' announcement. ENEMO assesses that the establishment of a middle-level institutional body addressed previous recommendations, despite concerns expressed by interlocutors pertaining to the short timeframes imposed¹⁶.

All 161 LECs were formed by the legal deadline¹⁷. By law, election contestants were free to replace their appointees at LECs except on Election Day. Despite there being no significant number of replacements, ENEMO notes that the legislation does not contain clear provisions limiting arbitrary replacements beyond a reasonable time before Election Day. Furthermore, despite all electoral contestants being allowed to appoint LEC members, not all of them exercised this right, especially minority parties¹⁸. ENEMO observers noted that women were well represented in all observed LECs, with no significant variation among regions.

Most observed LECs were cooperative and transparent, and sessions were open for accredited stakeholders. Legal acts and session minutes of the LECs were publicly available online, although sometimes with delay. Generally, concerns should be raised that this risked hindering the proactive performance of the middle-level election administration. Moreover, ENEMO interlocutors expressed concerns that permanent commission members carried out the essential tasks while members in extended composition had considerably less work and were mostly assembled for sessions. Most of the LECs' members performed other duties in their current workplace and had to combine two designated roles simultaneously. LEC members performing other duties in their current workplace limited their capacity to fully dedicate themselves to their tasks as commission members.

The lack of unified understanding of the legislation and of the REC's procedures was mentioned by several interlocutors. The LECs' approaches in terms of different duties vary¹⁹. ENEMO notes that an inconsistent application of law risked the integrity of the process.

¹⁵ A permanent LEC formed by the REC has a chairman, six members, and their deputies, who are appointed to the proposal of parliamentary groups in proportion to their representation in the National Assembly. However, the size of an LEC also depends on the size of the municipality and the number of registered voters within it. In 31 addition, due to the amendments introduced, LECs have another member and a deputy member appointed to the permanent composition.

¹⁶ However, before the amendments in the electoral legislation, the LECs operated just for local municipal elections, and the REC was mainly used to establish the mid-level (intermediate) administration for other general elections known as Working Bodies (WBs) to provide a logistical and technical link between the REC and polling stations.

¹⁷ In addition four LECs were created for the voters from Kosovo.

¹⁸ ENEMO observers noted that in some LECs members were not appointed because of various reasons such as lack of human resources, or COVID-19 as well for personal reasons.

¹⁹ For instance, ENEMO observers were informed about uneven practices regarding the distribution of the Election-Day materials, including PB chairpersons allowed to keep materials at home due to security issues and delivering them right before elections.

The LECs organized a series of training sessions for poll workers, where ENEMO observers noted an insufficient attendance by PB members. However, the trainings were not mandatory for the members of extended composition. Moreover, no voters' informational campaigns organized by the LECs were observed. ENEMO notes that although the REC is overall responsible for conducting awareness-raising campaigns, LECs did not use their capacity to ensure more participation in the elections.

C. Polling Boards

In total 8,267 PBs were created throughout and outside the country. The REC established 8,115 Polling Boards (PBs) for 23 March. Further, 29 PBs were established in prisons, 77 - in 34 countries, and 46 - for voters from Kosovo. PBs were composed of three permanent members: those nominated by registered contestants, and an additional member appointed by the REC at the proposal of the President of the National Assembly²⁰. Aside from PB members for polling stations created in exceptional cases within a different time frame, all other PB members were appointed within the deadlines.

However, the law ensures the replacement of PB members at the request of the authorized nominator no later than three days before Election Day. Some difficulties were observed in forming PBs, as not all registered contestants with the legal right to appoint their members at polling stations nominated them. Moreover, during the 23-31 March period, a significant number of replacements were reported by ENEMO interlocutors. However, replacements did not seem to significantly impact the performance of PB members on Election Day, though ENEMO observed that in some cases PB members were not fully familiar with the regulations adopted by the upper level administration, thus preventing a unified approach. In addition, the members nominated by the parties did not systematically enjoy the possibility to undergo training. ENEMO notes that this could have affected the general professionalism of PB members.

Moreover, The REC prepared detailed instructions regulating PB performance. All PB members apart from working in permanent or extended composition were offered to undergo webinars and seminars organized by the upper level administrations. However, based on ENEMO interlocutors, not all PB members attended them. However, some political parties conducted particular courses for their representatives.

Registration of voters

In Serbia, voter registration is passive and continuous. The Ministry of Public Administration and Local Self-Government (MPALSG) is responsible for maintaining and forming voters'

²⁰ All members also had their deputies with the right to replace their substitutes.

Register. An electronic Unified Voter Register (UVR)²¹, used to establish the Unified Electoral Register, includes eligible voters.

The voters were entered into the voters' register according to their permanent or temporary residency²². Special excerpts of voters' register was formed for the military voters²³, detainees, and prisoners. Voters living abroad were allowed to enter the voters' register according to their last permanent addresses. A particular excerpt of the voters' register was formed for the Kosovo voters. Internally displaced persons (IDPs) could vote according to their place of temporary residence. In addition, the law determined procedures for voting outside the polling station enabling a request for mobile voting even on election day till 11:00 a.m.

Voters could verify their registration data through an online platform or in-person at the municipal and city administration, and request corrections by 18 March. Applications made after the date of the conclusion of the Electoral Register²⁴ were discussed by the MPALSG 72 hours before the Election Day. As voters were allowed to check their entries at the local administration level or online, a number of requests were submitted from 19-30 March. However, ENEMO IEOM observers noted a very low interest of voters in this type of verification. On 01 April, the REC reported a total of 6,502,307²⁵ registered voters. Out of this number of voters, 39 777 were registered abroad²⁶, and the number of voters from Kosovo was 93, 527.

Overall, ENEMO assesses that the voter registration process lacked transparency. Several ENEMO interlocutors expressed concerns about the accuracy of the voters' register, mainly regarding the number of deceased voters included in the lists. In addition, allegations were voiced related to existing "phantom voters" as some of the voters' invitation cards were delivered at addresses where those voters had never lived. These cases reduced the level of trust in the voter register and may have affected the general level of public trust in the truthfulness of the electoral process.

Due to provisions of the current legal framework²⁷, the opportunity for public scrutiny of voters' register was not given to political parties and civil society organizations. ENEMO notes that limited access to the voters' register and lack of external revision creates a lack of transparency and a climate of mistrust towards the voters' register.

All citizens who had reached 18²⁸ by Election Day and were not deprived of legal capacity by a court decision, were granted the right to vote. ENEMO expresses concerns regarding the possible abuse of the right to change residence addresses, especially in the context of the local elections, particularly for voters that were previously residing in neighboring countries. Due to new provisions, the residency requirement as one of the preconditions for participating in presidential and parliamentary elections was withdrawn. ENEMO notes that the omission of residency

²¹ <https://upit.birackispisak.gov.rs/>

²² Article 6 paragraph 1 of the Law on Unified Electoral Roll.

²³ Article 86 of Law on the Election of Members of Parliament.

²⁴ Article 5 paragraph 1 of the Law on Unified Electoral Roll.

²⁵ REC decision 02 decision 013-1099/22 from 01 April 2022

²⁶ REC decision 02 Decision 013-1099/22 from 01 April 2022

²⁷ Law on Personal Data Protection.

²⁸ Article 3 of Law on the Election of Members of Parliament.

requirements could lead to granting citizenship in an organized way, leaving space for artificial migration of voters.

The law stipulates that voters had the right to request information from the election administration whether they voted in the election or not. Thus, any voter having suspected that someone voted instead of them could check this information immediately after voting.

Candidate registration

Any citizen eligible to vote had the right to stand for presidential and parliamentary elections. The preconditions for obtaining passive or active suffrage rights include being an adult citizen of the Republic of Serbia, not subject to extended parental guardianship or incapacitated by a court decision.

The law stipulates that a candidate or candidate list may be proposed by a political party from the Register of Political Parties, a coalition of political parties, or a citizens' group. An electoral list could not be submitted by a coalition formed by a political party and a group of citizens.

By the legal deadline²⁹, eight candidate's proposals for the presidential elections and 22 party lists for the parliamentary elections were submitted to the REC. While transferring documentation to the REC, along with additional materials, the submission of at least 10 000 written statements of voters was required. However, due to the 2022 legal provisions, the number of signatures required for the proclamation of minority lists was decreased. Small minority parties were given more opportunities while participating in elections and being involved in the country's politics. Several ENEMO interlocutors doubted that some parties could use this opportunity for circumventing the supporting signature threshold without representing national minorities' interests leaving space for allegations of possible misconduct.

During the registration of electoral lists, a controversy arose regarding the registration of one of the electoral lists where submitters requested that the list should have been proclaimed as a national minority electoral list. The REC denied registration, as none of the coalition leaders had been registered in the claimed national minority voters list. However, while reviewing the complaint submitted by the applicant, the Court disregarded the REC's legal reasoning, and the electoral list was granted registration. It should be noted that any registration of members of national minorities that obligates them to declare their national affiliation against their will, is prohibited. The members of the national minorities are entitled to have their data on nationality be entered into the official records and personal data collections, in conformity with a special law.³⁰

²⁹Article 70 of the Law on Election Members of Parliament, 20 days before Election Day.

³⁰Article 5 of the law on the protection of rights and freedoms of national minorities.

Civil society organization CRTA reported that the coalition “*Russian minority alliance Milena Pavlovic, Pavle Bihali*” submitted forged supporting signatures during the registration process, which according to CRTA, was also known by the REC. The organization addressed the law enforcement agencies and demanded an investigation³¹. ENEMO notes a lack of legal certainty and clarity on how national minority candidate lists were determined and how parties, coalitions, or groups of citizens had approved belonging to the certain national minority group³².

According to the legislation, statements of voters supporting an electoral list had to be certified by a public notary or municipal/city administration. In municipalities or cities where public notaries had not been appointed, statements of voters supporting an electoral list could be certified by municipal or city administration, as well as by relevant courts or the intake office of the basic court³³. Despite the number of notaries having increased, according to some ENEMO interlocutors, intense demand for notaries and lack of capacity raised concerns while delaying the certification process. Accordingly, in some cases, ENEMO observers reported unequal treatment and unnecessary restrictions.³⁴

A voter could support only one electoral list with their signature. Concerns should be raised that this limits the possibility for voters to express their support for a multiparty democratic system. In addition, the obligation of supporting only one electoral list leaves space for violating the secrecy of the vote, as it potentially reveals a voter’s political preference.

The REC registered 18 candidate lists with a total 2,912 candidates within the legal deadline, including nine parties, seven coalitions, and two groups of citizens for the parliamentary elections. Additional 48 hours to amend legal shortcomings were given to seven submitters of parliamentary lists. Due to non-compliance with the REC’s conclusion, four lists were denied proclamation. However, after the deadline, one more minority party list was proclaimed by the REC based on a court decision. In total, there were eight minority lists. For presidential elections, there were a total of eight candidates registered³⁵.

³¹CRTA: “*Zahtevamo krivično gonjenje zbog falsifikovanja potpisa*”; 24.03.2022
<https://crt.rs/zahtevamo-krivicno-gonjenje-zbog-falsifikovanja-potpisa/>

³² Despite several requests, the mission was unable to meet with representatives of the Ministry of Human and Minority Rights and Social Dialogue

³³ Article 72, paragraph 2 of the Law on Election Members of Parliament

³⁴ In addition, the certification is subject to payment. The Ministry in charge of justice determined the fee for the certification of signatures. Unlike the previous elections, the payment amount has decreased. However, some ENEMO interlocutors evaluated the process as excessive.

³⁵ Only two submitters of presidential candidates had to rectify deficiencies in their submitted documents.

Electoral Campaign and Campaign Finance

Electoral Campaign

Legal provisions in force pertaining to campaigning generally provide for equitable opportunities, if applied in good faith. In line with the new provisions of the law, an “electoral silence” period started 48 hours before Election Day, which applied also to online media³⁶.

The official campaigns for presidential and early parliamentary elections started on the day the respective elections were called, while electoral contestants could start their campaign activities only following their official registration. ENEMO assesses that this contributed to a lack of level playing field, as contestants which registered first were allowed to start campaigning earlier³⁷.

Electoral contestants mainly conducted their campaigns by meeting voters in person, door-to-door canvassing, rallies featuring party leaders and leading members, organized stands, distribution of promotional materials, TV and Radio advertisement, and social media platforms. According to opposition parties, access to billboard space remains a long standing issue, due to excessive prices and having been purchased in advance by other contestants. Likewise, in some cases, several parties claimed to have been denied the provision of public premises on equal grounds³⁸.

The visibility of the campaign varied significantly depending on regions observed, starting as low-key during the first few weeks and increasing as Election Day drew nearer. The main campaigning themes included the struggle against corruption, economic development and investment, unemployment, healthcare, the environment, infrastructure, etc. In addition to presenting their platforms, ruling coalition parties emphasized their successes under the SNS-led coalition³⁹, while opposition parties criticized the current majority parties and emphasized unfair media accessibility. SNS considerably dominated the campaign in terms of visibility.

Despite being generally peaceful, the campaign was marred by cases of provocations against opposition parties from political activists from ruling majority parties⁴⁰, along with some cases of verbal and physical attacks⁴¹. Hate speech and “black PR” increased in the last two weeks before Election Day, including cases of racial slur⁴². The mission also observed the use of fake social media profiles for promoting electoral contestants and negative advertising towards opposing parties and candidates.

³⁶ This requirement was generally respected, with the exception of paid Google Ads which remained visible and cases of SMSes with an urge to vote for electoral contestants sent to voters after the start of the “electoral silence” period. The REM also issued a warning to Nova S for broadcasting an interview with a presidential candidate after the “electoral silence” had started.

³⁷ This is especially relevant given delays in registering which were faced by some parties and candidates which struggled to collect and notarize signatures.

³⁸ Reported in Kula and Subotica.

³⁹ In particular, roads, infrastructure, foreign investments, as well as the plans and future regional and local projects.

⁴⁰ Reported in Kragujevac

⁴¹ Reported in Becej, Kula.

⁴² Reported in Nis, towards members of the Albanian minority.

The President combined the roles of head of the state, leader of the ruling party, and was a candidate to his reelection. As such, and given the war in Ukraine, he featured prominently in the campaign, and his continued engagement as the incumbent president granted him considerable public exposure, without systematically clear differentiation of his roles⁴³. According to interlocutors, mainly from opposition parties, this was part of a larger trend of incumbent officials conducting a “functionary campaign”. ENEMO observer reports indicated several cases of public officials blurring the line between official public meetings and campaign events.

The campaign was heavily marred by allegations of misuse of state resources, abuse of incumbency, vote-buying and voter intimidation especially towards public employees by ruling coalition parties⁴⁴. Allegedly, many of these forms of pressure are continuous, and started well before the official start of the electoral process. These pressures were qualified as a means to punish or reward individuals, who were expected to vote or attend rallies in favor of specific candidates or parties in power⁴⁵. This included for instance threats of non-renewal of contracts, suspension of social benefits, and requirements to secure lists of voters.

The mission was also informed of intrusive phone calls to voters with an alleged aim to gather information on their political preference or pressure them to vote⁴⁶, distribution of packages of goods (indirect vote buying)⁴⁷, promises of delivering identity documents to minorities (especially Roma)⁴⁸, or allegations of money in exchange for votes (direct vote buying)⁴⁹.

ENEMO assesses that allegations of voter intimidation and vote-buying affected general trust in the electoral process, while long standing practices of abuse of state resources significantly limited opportunities for a level-playing field. The blurring of line between party and state⁵⁰, at odds with international standards, negatively impacted the campaign environment.

Campaign Finance

The legal framework for campaign finance was amended prior to elections, in particular with the adoption of a revised Law on Financing of Political Activities⁵¹. Several substantial amendments were made to the framework for campaign finance through this new law, *inter alia* the

⁴³ The law requires most public officials to inform audiences during their public appearance whether they are speaking as holders of a public mandate or in the capacity of a political party.

⁴⁴ Allegations of intimidation mainly range from pressure on employees in public companies to local administration and local entrepreneurs to vote for a specific party and/or candidate, and also included pressure to attend rallies.

⁴⁵ Reported in Belgrade, Obrenovac, Novi Sad, Apatin, Zrenjanin, Subotica, Kikinda, Vrsac, Nis, Merosina.

⁴⁶ Undue pressure on voters is at odds with paragraph 7.7 of the Copenhagen Document. See paragraph 7.7., where participating States should “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution.”

⁴⁷ In the form of the distribution of oil, sugar, rice, wood for heating, etc.

⁴⁸ This was especially observed in rural areas, where the number of socially vulnerable groups are higher, such as Roma and Bosnian minorities, but also low-income residents.

⁴⁹ In exchange for a photo of the ballot requested from the voter as a means of proof.

⁵⁰ 1990 OSCE Document Of The Copenhagen Meeting Of The Conference On The Human Dimension Of The CSCE (Copenhagen Document), paragraph 5.4, where participating states agree on: “a clear separation between the State and political parties; in particular, political parties will not be merged with the State.”

⁵¹ Other important provisions pertaining to political finance are enshrined in the Law on Prevention of Corruption.

introduction of interim financial reporting by contestants prior to Election Day, lowering individual and legal persons' donation limits⁵², public and private funding to political entities⁵³, the system of sanctions, and financial auditing provisions.

The ACA is the main oversight body for political finance and issues related to misuse of administrative resources. The array of sanctions at its disposal was expanded, and the legislation now provides for more gradual sanctions ranging from warnings, to fines for violations and misdemeanors, to imprisonment for criminal acts. Other sanctions which the ACA could administer included the loss of the right to receive funds from public sources, and/or confiscation of funds. The ACA had 130 monitors trained and deployed, supervised by 10 coordinators.

Generally, ENEMO positively assesses the amendments which contributed to addressing previous recommendations formulated by international and domestic observers. They have, in principle, brought the framework more in line with GRECO recommendations. However, the mission was informed of issues related to unreported expenses ("shadow funding") in electoral campaigns, especially political advertising on social media. Interlocutors of the mission highlighted concerns regarding the effectiveness of the oversight mechanisms and sanctions, emphasizing that they remain largely inefficient in preventing violations⁵⁴. ENEMO also notes that while the ceiling for donations was capped, there is no maximum spending limit on electoral campaigns.

As of 01 April, the ACA had received 14 complaints against public officials on the grounds of the Law on Prevention of Corruption. These complaints mainly pertained to the misuse of public resources or the unlawful promotion of political parties. Out of a total of 15 complaints related to the violation of the Law on Financing of Political Activities, seven cases were considered by the ACA leading to five warnings, while in the remaining two procedures, the ACA filed misdemeanor reports against a political entity. Decisions were published on the Agency's website within the legal deadline. As of 01 April, eight more proceedings were underway initiated *ex officio* by the ACA, based on reports from their field observers.

Based on the interim financial reports published by the ACA, for parliamentary elections the largest expenditure amounts were reported by the Socialist Party of Serbia (SPS)⁵⁵, SNS⁵⁶, and the MORAMO coalition⁵⁷. ENEMO notes that interim financial reports from five out the 19

⁵² In accordance with the new law, individuals could not donate more than 10 average monthly salaries, and legal persons could not donate more than 30 average monthly salaries (per year, regardless of the number of electoral campaigns and number of elections). This represents a decrease in comparison to the provisions of the previous law. Donations amounting to more than one monthly earning had to be made public on the political entity's website.

⁵³ Political entities which submitted electoral lists, as well as candidates running in presidential elections, were entitled to public funding for their campaigns. When it comes to private sources for financing costs of their election campaigns, political entities are allowed to collect funds from private sources, from natural and legal persons, and can use their own funds within the ceiling determined by the law. To finance the costs of the election campaign, a political entity could also use funds from loans, but only from banks and financial institutions.

⁵⁴ For instance, the law specifies that 10 days before Election Day, media are forbidden to report on official public gatherings and events at which infrastructure is being opened, including construction works and related gatherings, when these gatherings are attended by public officials. While this can be assessed as a positive amendment, it relates more to media coverage of these facts, rather than the prevention of the facts themselves when it comes to the misuse of state resources and abuse of incumbency.

⁵⁵ 933,176,92 RSD

⁵⁶ 558,032,90 RSD

⁵⁷ 162,609,59 RSD

electoral lists were not published by the legal deadline, failing to meet the interim financial reporting requirement⁵⁸. Two electoral lists submitted empty reports, with zero expenditure on their campaigns⁵⁹. The mission observed at least one electoral list running in parliamentary elections which had visible campaigning outlets, yet did not have its interim financial report published by the ACA⁶⁰.

For presidential elections, the highest reported amounts were from candidates Aleksandar Vučić⁶¹, Bosko Obradovic⁶², and Biljana Stojkovic⁶³. Other presidential candidates reported substantially lower amounts⁶⁴. ENEMO notes that reports from two out of eight presidential candidates were not published at all⁶⁵, also failing to meet the interim financial reporting requirement by the legal deadline. According to the ACA, several missing reports were pending submission by post, and had not been received in time by the legal deadline.

The above raises concerns regarding lists and candidates for which no interim financial report was published in time, which hindered campaign finance transparency. The lack of proactive stance by the ACA to address this shortcoming in time, and the absence of sanctions taken before Election Day for non-compliance with this requirement, are also reasons for concern. In addition to affecting transparency and accountability, this also deprived voters from the opportunity to properly inform themselves about all contestants' campaign spending before the day of voting. By limiting sanctions mostly to warnings, the ACA did not use more dissuasive sanctions such as administrative fines which it had at its disposal in the law.

Media⁶⁶

A. Media Environment

While visibly polarized the media landscape is diverse with a wide variety of private and public media outlets operating throughout the country, offering voters extensive opportunities to inform themselves. Media coverage of the elections reflected this existing polarization in Serbian media. Online media played a large role in amplifying the spread of political news and social networks

⁵⁸ Justice and Reconciliation Party, Together for Vojvodina, Alternative to Change, Roma party, and the Russian Minority Alliance. Together for Vojvodina's report was uploaded to the ACA's website before Election Day, but after the legal deadline.

⁵⁹ Koalicija Albanaca doline, and Otete bebe lists.

⁶⁰ Justice and Reconciliation Party.

⁶¹ 489,364,62 RSD

⁶² 323,608,33 RSD

⁶³ 115,137,82 RSD

⁶⁴ Candidates Milos Jovanovic (63,998,79 RSD), Branka Stamenkovic (2,884,028 RSD), and Milica Stamenkovski (27,150 RSD).

⁶⁵ Candidates Zdravko Ponos and Misa Vacic.

⁶⁶ The mission did not conduct media monitoring activities. Findings and conclusions in this section are drawn from meetings with interlocutors that work in the media field in Serbia and monitoring of the activity of the body in charge of monitoring media conduct (Regulatory Authority for Electronic Media).

were increasingly used to access news information. Although Internet sources have seen an increase in their role and number of viewers, television remained the primary source of information.

The most crucial issue is a lack of sufficient autonomy of media from political interests, restricting independent reporting, sustained both at the central and local level. Many ENEMO media interlocutors expressed concerns about biased editorial policies in public and a number of mainstream private media. Debates between contestants were organized by many channels with the refusal of leading candidates to jointly participate which deteriorated the ability of voters to make a fully informed choice. The ruling party used the President's position to its benefit, since extensive reporting about his activities dominated in most media outlets. Furthermore, campaign materials prepared by political parties were also included within news programmes.

B. Media Legal Framework

The legislation generally provides a sound framework for freedom of the media. The LEMP obliges the media to present objective campaign coverage and guarantees political contestants an equal access. The Regulatory Authority for Electronic Media (REM) was monitoring the broadcast media during the electoral period.⁶⁷

The REM published its fifth media monitoring report of the campaign which included data on the representation of contestants during the period from 15 February to 20 March. In addition, the report presented the data on the representation of candidates for the presidential elections, starting on 02 March when the presidential elections were announced and concluding on 20 March, 2022.

Having in mind that the activities of state officials are measured by how much they were represented in media in total, excluding the information about how many official campaigns there were, the monitoring methodology applied by REM was undistinguishable. In this regard, it was not possible to know individually how much time was dedicated to President Vucic and how much to other state officials. Moreover, the monitoring methodology was also unclear because tonalities of reporting were analyzed as monitoring topics, i.e the topic is “negative about Vucic” or negative about another contestant. Sampling was an additional challenge. The subject of the monitoring were televisions with a national frequency, to which cable televisions of the SBB provider were added. On this occasion, no television of the state provider Telekom Srbija was taken into the sample, discriminating against one cable provider which includes televisions critical of the government.

Furthermore, according to the REM the political campaign was moderated and quiet. The REM did not record aggressive or offensive language used by political parties. In that regard, compared to previous electoral campaigns where political parties and candidates filed complaints, the REM did not receive complaints from any political actors: instead only seven

⁶⁷ On 15 February, the REM began monitoring twelve media service provider; Four public service channels: RTS 1, RTS 2, RTV 1 and RTV 2; four commercial media service providers: RTV Pink, Happy TV, TV B92 and TV Prva and four cable media service providers: N1, Nova S, Al Jazeera and Insider TV.

complaints were filed from citizens concerning overwhelming political advertisements during the prime-time news in the evening.

Despite the array of sanctions at its disposal, the REM limited its sanctions to warnings, which had a limited effect and did not function as a dissuasive sanction to prevent further violations.

C. Traditional Media

Although ENEMO's mission did not conduct systematic media monitoring, it observed that coverage by state owned media, particularly the public broadcaster, was inclined to give greater advantage to the ruling party at the expense of the other parties, despite being obliged by the law to give unbiased coverage to all contestants. In addition, private media have an obligation to report elections in an impartial and balanced coverage too. However, it has been noted that one part of the media scene continued to be reserved for state officials, while the other part was reserved for the opposition.

It is reported to the mission that there are cases of journalists experiencing some form of harassment, especially online that focused on their person. According to interlocutors, these attacks were most virulent when journalists covered stories on topics normally associated with organized crime and corruption. ENEMO interlocutors emphasized that one of the main issues was not only the prevention of threats and persecution but also the undertaking of actions by law enforcement agencies.

Some media interlocutors noted that the pre-election period regarding the media environment was slightly more diverse and more pluralistic than in previous elections. However, this shift is mostly evidenced by quantitative changes, rather than qualitative changes in content. Local media outlets were mostly reactive rather than proactive in terms of reporting on elections. Furthermore, interlocutors continued to point out the issue of public financing of media outlets, which is predominantly distributed according to their political affiliation. Additionally, local media outlets were reported as being very limited, lacking capacity, funding and human resources.

D. Online and Social Media

The mission observed that almost all parties used Facebook, Twitter and Instagram as platforms to reach voters. Social networks were used extensively to point targeted advertisements and to communicate directly with voters. Although social media were seen as an increasingly influential campaign tool, many ENEMO interlocutors expressed concerns in regard to dissemination of messages which could have misinformed voters and created misperception.

The mission used the Crowdtangle platform to monitor the levels of activity of official accounts used by 22 political parties on social network Facebook (post count) as well as which subjects and topics are mainly represented in the posts. Monitoring also provided insight into which party's posts are shared, commented on and liked by Facebook users the most. The monitoring covered the period from 15 February, 2022 when the election campaign started for the Early

Parliamentary elections, until Election day 03 April, 2022, including the election campaign for the Presidential elections which started on 2 March, 2022.

Within this period, the total number of content published by political parties was: 4.754 thousand out of which individually: Socialist party of Serbia – 263; Movement for renewal of Kingdom of Serbia – 300; Alliance of Vojvodina’s Hungarians – 370; Freedom and justice party – 210; People’s party – 272; Coalition We Must – 441; Serbian progressive party – 290; Democratic party of Serbia – 114; It’s enough – Sovereignists – 216; Serbian radical party – 219; Zavetnici – Milica Djurdjevic – 141; Democratic party – 180; SDP Serbia – 245; Social democratic party – 135; Serbian movement Dveri – 297; Free citizens’ movement – 106; Justice and reconciliation party – 283; Liberal democratic party – 0; Do not drawn Belgrade – 419; Democratic action party of Sandzak – 189; United peasant party – 25; United Serbia – 39.

A total of 2.45 million Facebook interactions were made on the mentioned posts, out of which specifically likes 1.84 million (75.04 percent), comments 208.7 thousand (8.51 percent) and shares 211.4 thousand (8.62 percent). The most reactions, 390.8 thousand, were made only on the posts of the Serbian Progressive Party – SNS, followed by 372.0 thousand on posts of the Zavetnici – Milica Djurdjevic posts, 299.9 thousand on posts of the Freedom and Justice Party and 276.1 thousand on posts of the Serbian movement Dveri.

Parties communicated mostly through Facebook photos (45.5 percent) and videos (27.82 percent) which had 37.6 million views in total.

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 hand, focus was mainly on opposition leaders. The most dominant topics were related to the electoral conditions, economy and environment. Additionally, activities on the social networks of some public officials, such as the President Aleksandar Vučić, performed state visits during the election campaign, which included visits to the infrastructural projects and factories.

Gender Representation

The law requires electoral lists to include at least 40 percent of members of the underrepresented gender. All 19 registered electoral lists followed the legal requirements to respect the gender quotas. Among 19 lists, four were led by female candidates.⁶⁸

ENEMO observers noted that women were well represented in election management bodies, at different levels. The extended composition of the REC for the parliamentary elections comprises

⁶⁸ Electoral lists are available on the following link:

<https://www.rik.parlament.gov.rs/dokumenta/41985/document-type-2/election-round-0/additional-document-1/municipality-id-0/election-station-0/order-2/sort-1>

42 voting members including 14 women. Out of 41 deputies, 16 were women. For the presidential elections, the REC was comprised of 31 voting members including 14 women, and for 31 deputies - 12 women⁶⁹. However, the election administration did not provide public data about the composition of LEC's or PEBs in terms of gender representation, which lacked transparency of the election administration regarding gender equality.

Despite the fact that three out of eight presidential candidates are women, women remain statistically underrepresented in the political sphere.

National Minorities

Article 75 of the Constitution guarantees special individual or collective rights in addition to the rights guaranteed to all citizens⁷⁰. The law on protection of the rights and freedoms of national minorities, in line with the Charter of Human and Minority Rights and Civil Liberties, defines several aspects of national minority issues.

However, ENEMO notes that the electoral legal framework lacked consistent and clear criteria and gave excessive discretionary power to the REC for determining national minority status.⁷¹ Moreover, the unclear legal statute of the National Council of National Minority Opinion could lead to arbitrary decisions of election management bodies (see *Candidate Registration* section).

Among the 19 electoral lists registered for early parliamentary elections, eight were minority party lists. However, many ENEMO interlocutors raised concern about limited political participation of national minorities in decision-making. Some ENEMO interlocutors stated that national minority representatives on local councils at times experienced verbal attacks based on issues they raised regarding ethnic minorities.

Particular concerns should be raised regarding the allegations of removing ethnic Albanian minority voters living in the southern Presovo Valley from the voter's list. The 2021 European Commission staff working document highlights that revision of residence status of ethnic Albanians lead to the "passivation" of certain addresses, and called upon authorities to better explain to the public how the scrutiny is conducted. Nevertheless, several days before Election Day, some 6,000 ethnic Albanian minorities were reported to have found themselves removed

⁶⁹ The Head, Deputy Head, the Secretary and statisticians of the REC are men.

⁷⁰ Persons belonging to national minorities have the right to take part in decision-making or decide independently on certain issues related to their culture, education, information and official use of languages and script through their collective rights.

⁷¹ Article 137 of the Law on the Elections of Members of Parliament prescribes that the REC should determine whether or not the political party/parties or coalition represent the interests of the national minority, as well as to protect and enhance rights of national minority members. Moreover, the REC is obliged to establish that the electoral list enjoys the status of a national minority electoral list, by a special decision issued at the same time when proclaiming it, at the proposal of the submitter of the electoral list which shall be submitted together with the electoral list. moreover, may seek opinion of the competent national minority council on whether a certain electoral list may hold the status of a national minority electoral list

from the voters' list raising concerns regarding the possibility for them to exercise their constitutional right to vote.

Some ENEMO interlocutors raised concerns regarding the vulnerability of the Roma population. The Roma minority is prone to pressure from the government through threats of deprivation of social assistance if they do not vote in accordance with the will of the ruling party. ENEMO assesses this phenomenon as a major issue, as their voting rights could be violated, leaving space for abuse and manipulations.

Positively, ENEMO observed that all materials regarding voting procedures were printed in different languages of national minorities, according to their level of representation in different municipalities as required by the law, followed by the instructions adopted by the REC. Ballot papers were printed in national languages with 29 variants, depending on which languages and scripts were in official use in respective municipalities/cities.⁷²

Inclusion of Persons with Disabilities

The law on the Elections of the Members of Parliament provides general conditions to exercise the right to vote for persons with disabilities (PWDs). Voters with disabilities have the right to be provided with support to ensure their unimpeded participation in the election process. The Law on Prevention of Discrimination of Persons with Disabilities establishes the principle of equality, right and opportunity to vote and to be elected.

Furthermore, instructions adopted by the REC on the manner of designation polling stations prescribes that polling stations must be designated in such a way as to be accessible to voters and to enable them to vote without difficulty. Moreover, the REC issued a recommendation for LECs to provide accessible polling station premises where possible. The premises were required to have a pedestrian crossing without obstacles, a parking space for PWDs and other characteristics for uninterrupted access. The instruction obliges city/municipal administration for each polling station for which the accessibility assessment had not been performed, and to submit a completed questionnaire on accessibility assessment. ENEMO notes that, despite these efforts, the level of challenges of PWDs in electoral processes remained concerning.

Persons with disabilities are also offered to vote outside polling stations; however, some ENEMO interlocutors noted that PWDs demonstrated a low level of trust towards the integrity of mobile voting, including a lack of trust towards personal assistants. On the other hand, there was no proper voter information campaign to ensure that they were aware about the possibility to exercise this right.

⁷² Decision #013-818/22; adopted on 2 March, 2022.

ENEMO further noted that, overall, political parties did not use sign language during their campaign activities.

On Election day ENEMO observers noted that most observed Polling Station premises were not accessible for the PWDs. Most sites have steps; some sites are not located on the first floors of buildings; ramps are equipped only at school buildings; additional equipment for people with visual impairment and hearing problems were not provided.

Complaints and Appeals

Currently amended legal framework largely addressed complaints and appeals system and provided the right to effective legal remedy with no the potential for a parallel system mostly in line with international standards. Voters, submitters of electoral lists, political parties, and parliamentary groups had the right to submit complaints with extended deadlines to 72 hours for filing complaints and consideration.

Overall, electoral stakeholders welcomed the extended timeframe and hierarchy for the complaint system and expressed their awareness about the dispute resolution process. However, ENEMO notes that many verbal complaints related to alleged irregularities and criminal offenses were not followed by formal complaints, as many authorized subjects were reluctant to file complaints within the respective bodies due to extremely low trust in the judiciary.

From the beginning of the election campaign for the early parliamentary elections, up until 03 April the REC received 11 complaints. Among them eight complaints were rejected and one was dismissed as, according to the REC's decision, the complainants did not fulfill formal requirements. Two complaints related to LEC's decisions were granted.⁷³

The administrative court published four judgments related to election related appeals. Among them two decisions were rejected, one was dismissed, and one was granted⁷⁴.

On Election Day, some LECs reported receiving complaints. However, the registration process of complaints on LEC lacked transparency since there is no registry of complaints available publicly at the LEC's level.

⁷³ Complaint submitted by the authorized representative of the national minority electoral list Alliance of Vojvodina's Hungarians, was related to appointment of PB member/deputy members. The LEC of the City of Zajecar refused to accept members/deputy members of PBs nominated by the alliance. The REC granted the complaint, annulled LEC's refusal and appointed a member/deputy member at the PBs.

The REC granted another complaint submitted by the authorized representative of "Russian Minority Alliance Milena Pavlovic, Pavle Bihali". The REC annulled the decision adopted by the municipality of Babusnica LEC on the refusal appointment of PB members/deputy members of that alliance.

⁷⁴ The appeal was filed against the REC's decision according to which the coalition "Russian minority alliance Milena Pavlovic, Pavle Bihali" was denied registration as a national minority electoral list. The Court accepted the complainant's reasoning against the REC and granted registration to the coalition.

The mission is still processing Election Day and post-election complaints.

Election Day

On Election Day, ENEMO deployed five multinational teams of observers to follow the process of preparation and opening of polling stations, the voting and counting process, as well as the transfer and intake of election materials by LECs. Observation teams, composed of the mission's 10 Long Term observers, monitored the opening procedures in five polling stations, voting in 90 polling stations, and closing and counting in five polling stations. Additionally, ENEMO observed the intake of election materials and tabulation of results in five LECs.

In the limited number of polling stations observed by ENEMO, Election Day procedures, including counting, were generally conducted efficiently and in accordance with the law. However, the mission was informed of cases of attacks and physical altercations in the vicinity of polling stations, violence towards candidates, and long queues of voters outside polling stations. Reportedly, although voters in queues at the time of closing (20:00) were generally allowed to vote with delays, several voters in queues were denied the possibility to exercise their right. Accordingly, this caused delays in the counting and tabulation process.

Opening procedures

ENEMO observers reported on opening procedures at five polling stations, which were all assessed positively. However, at one polling station observed, campaign materials were visible near the polling station entrance⁷⁵.

Opening procedures were assessed as transparent in all observed polling stations, and all stationary ballot boxes were sealed in accordance with the procedures.

Three observed polling stations opened on time (by 7:00), one with less than 15 minutes delay⁷⁶ and one with 30 minutes delay due to the need to remove above mentioned campaign materials⁷⁷.

The setup of all observed polling stations was assessed as adequate. Observed polling stations were equipped with all essential materials needed for voting at the moment of opening. PBs generally conducted the opening in an orderly manner, and according to the prescribed procedures. No formal complaints related to the opening procedures were filed at observed polling stations.

⁷⁵ Polling Station #77, Novi Pazar.

⁷⁶ Polling Station #17, Vracar.

⁷⁷ Polling Station #76, Novi Pazar.

Voting process

ENEMO observers assessed the process of voting at 90 polling stations throughout the day. Overall, the voting process was assessed positively, with some technical issues and irregularities in a number of polling stations observed.

The environment around polling stations was assessed as regular in nearly all polling stations observed⁷⁸. At one polling station observed in Novi Pazar⁷⁹, observers noticed the presence of campaign materials in the vicinity of the polling station.

The setup of 10 out of 90 Polling Stations was assessed as unacceptable, mostly due to small polling station premises.

The accessibility of 22 Polling Stations was assessed as easy accessible, while 37 required minor assistance, and slightly over one third (31 polling stations) were assessed as unsuitable for PwDs voting. Only five polling stations observed had special equipment for PWD.

All essential materials were present at 74 polling stations observed. However at one polling station a protocol was absent; the missing of a stamp was observed at 15 polling stations; and the collective electoral lists of candidates were missing at two polling stations observed.

At all observed polling stations, stationary ballot boxes were properly sealed, except one in Kragujevac⁸⁰, where the PB put all four seals on one ballot box.

Voter identification procedures were followed properly in all observed polling stations. One polling station in Kragujevac⁸¹, was opened with a delay of over 30 minutes due to a broken UV lamp, although the LEC provided a new one. However, several cases of existing deceased voters in the voters' register were observed. Also, there were instances when voters' could not find themselves in the voters' registry.

At 78 out of 90 polling stations observed, the secrecy of voting was respected. However, violations to the secrecy of voting were observed in nine polling stations, mostly due to inadequate set up of voting screens⁸², or more than one person in the voting booth in five polling stations observed⁸³.

ENEMO observers assessed the observation process positively at 87 out of 90 polling stations, however improper observation conditions were reported in three overcrowded polling stations.

⁷⁸ 89 out of 90 polling stations observed.

⁷⁹ Polling Station #76, Novi Pazar.

⁸⁰ Polling Station #165.

⁸¹ Polling Station #127.

⁸² Polling Stations #119, Novi Beograd; #37, #127, Kragujevac; and #102, Novi Sad.

⁸³ Assessed as "family voting", at polling Stations #37, Kragujevac; #105, #123, Novi Sad.

At 73 polling stations observed, no facilities for PWDs were provided, while ramps for wheelchairs and parking space for PWDs near the polling station premises were observed only at 15 polling stations.

At 84 polling stations observed, PBs generally conducted voting in an orderly fashion and according to the procedures, but the PB lost control over the precinct at two polling stations observed. At two polling stations observed, some minor or unfounded formal complaints were filed.

ENEMO observers assessed that PBs managed the voting process as “good” or “very good” at 86 polling stations observed, while four polling stations observed were evaluated as “bad” due to negligence by PB commissioners.

ENEMO observers in Kursumlija observed a chaotic environment of the voting process, where 16 polling stations observed were located in one building. Furthermore, the mass transportation of voters from Kosovo to Kursumlija created queues and confusion both outside and inside the building⁸⁴. There was even more queue and confusion inside the building, as the voters brought in were unable to find specific polling stations. This led to limiting access of voters to polling stations observed, as well as limiting access to observe the process.

Counting process

ENEMO followed the closing and counting procedures at five polling stations. All observed polling stations closed in time, and no voter queues were reported at any polling stations observed at the moment of closing. All PBs at observed pollings stations were operating with enough members.

The counting process started on time at all polling stations observed (from 20:05 to 20:30). At nine out of ten observed polling stations, counting procedures were followed properly and protocols were filled out in accordance with the law.

All observers present were able to observe and take photos of protocols. No formal complaints were submitted at polling stations observed during the counting. At all observed polling stations, election materials were packed and sealed in accordance with the law, without substantial deviation from the procedures. The assessment of PBs during the counting was either “very good” or “good” at all observed polling stations.

Transfer of materials to local electoral commissions (LECs)

ENEMO observers monitored the transfer of election materials and respective intake at 5 LECs⁸⁵. The transfer of materials was done in an orderly manner, following the procedures in all commissions in which ENEMO observed this process.

⁸⁴ 13 Polling Stations were created for voters from Kosovo and 3 Polling stations were created for voters from Kursumlija located in the same building.

⁸⁵ Nis, Novi Pazar, Stari Grad, Kragujevac, Novi Sad.

In all observed LECs, authorized observers were able to observe properly, and two out of five LECs did not seem overcrowded. However, observed LECs in Novi Pazar and in Kragujevac had long queues of PB commissioners. All observed LEC premises were assessed as adequate and with proper setup for the delivery of election materials.

In the Vojvodina region, there were cases where PBs did not fill the protocol in 4 languages, as required (Hungarian, Slovak, Rusin, Serbian), but only in Serbian, since none of the PB commissioners knew other languages.

The evaluation of the work of LECs by ENEMO observers was positive (very good or good) in all observed LECs, and their work was assessed as straightforward and transparent in all observed cases.

Observers

The REC accredited 9 domestic observer organizations with 4,618 accredited observers for the early parliamentary and presidential elections. Among them, only two accredited domestic observers' organizations – CRTA and CeSID are the signatories of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations.

The legal requirement according to which observers were obliged to be accredited in specific localities in order to observe, including on Election Day, remains reason for concern, as they could not observe outside of these designated areas. In particular, this hinders the possibility for international observers to freely observe the entirety of the electoral process free of unnecessary and excessive barriers, at odds with international standards.⁸⁶

Concern should be raised regarding the presence of party affiliated CSOs reported in Novi Sad. Activities of CSOs that are loyal to the local government trying to lower the critical voices were also observed.

The REC accredited 23 international organizations/foreign countries with 531 observers.

⁸⁶ See Para 3.2. of the Venice Commission's Code of Good Practice in Electoral Matters.

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 September 29, 2001, in Opatija, Croatia. It consists of 20 leading domestic monitoring organizations from 16 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 IEOMs 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 39 international election observation missions to 11 countries: Serbia 2022, Presidential and Early Parliamentary Elections; Hungary 2022, Parliamentary Elections; Kosovo 2021, Local Elections; Georgia 2021, Local Elections; Moldova 2021, Parliamentary Elections; Albania 2021, Parliamentary Elections; Moldova 2020, Presidential Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary Elections; Ukraine 2020, Local Elections; 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 – re-run of Parliamentary Elections 2012 in 5 MECs; Kosovo 2013, Local Elections, first round; Ukraine 2012, Parliamentary Elections; Kosovo 2011, Re – run 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 re-run; Ukraine 2004, Presidential Elections.

ENEMO member organizations are: Center 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; 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; Committee of Voters of Ukraine (CVU), Ukraine.