

INTERIM REPORT
23 February – 15 March 2022

18 March 2022

I. EXECUTIVE SUMMARY

- On 15 February 2022, following extensive consultations between the government and most opposition parties, the president dissolved the parliament and set early parliamentary elections for 3 April. On 2 March, in line with the Constitution, the speaker of the parliament called the regularly scheduled presidential election. The concurrent elections are taking place against the backdrop of intense antagonism between the ruling coalition and its political and civil society critics, which had been reflected in an opposition boycott of the 2020 parliamentary elections.
- Following two inter-party dialogue processes between the ruling parties and most of the opposition, the electoral legal framework was significantly amended on 4 February 2022, two months before the elections. Changes enhanced opposition representation in election commissions; extended timeframes and legal standing for dispute resolution; amended the framework of political party and campaign funding and disclosure, and introduced new rules on campaign coverage in the media. Some ODIHR EOM stakeholders welcomed these changes as improvements. While noting that changes incorporated some previous ODIHR recommendations, many ODIHR interlocutors also noted that they did not address long-standing challenges to the integrity of the electoral process, including those pertaining to the effectiveness of the Regulatory Authority for Electronic Media and measures aimed at tackling the misuse of state resources and pressure on voters.
- The composition of the Republic Electoral Commission (REC) and Local Electoral Commissions (LECs) was temporarily altered in February 2022 to include members from among non-parliamentary political parties. For the first time, LECs are formally tasked to manage and supervise the administration of national elections at the municipal level and adjudicate complaints. The legislative changes also prescribed rules to ensure gender balance in the election administration. To date, the election administration has met all legal deadlines.
- As of 23 January, the number of registered voters was 6,502,030. Voters may verify the accuracy of their personal data online or in person and may request corrections or vote at their temporary residence and abroad. Political parties and electoral contestants do not have the right to independently scrutinize the Unified Voter Register (UVR). To address previous concerns regarding the accuracy of the voter register, the government created a working group in November 2021 to conduct an external voter registration audit; the audit will not take place prior to these elections.
- As of 15 March, the REC registered 8 presidential candidates and 2,863 candidates on parliamentary candidate lists. The law sets a 40 per cent gender quota for parliamentary candidate lists and prescribes that minimum two candidates of each gender must be among every five consecutive candidates. Two presidential candidates and 42 per cent of the parliamentary candidates are women.
- The official campaign periods started on the day when the respective elections were called. To date, most contestants have actively campaigned both through in-person gatherings and on social media. Many ODIHR EOM interlocutors alleged long-standing practices of misuse of administrative resources and abuse of office and described allocations from the state budget to different categories of citizens as financial incentives to the electorate.

- Political entities represented in the parliament are eligible for annual public funding, amounting to a total of RSD 1.4 billion in 2022; in addition, some RSD 1.8 billion will be allocated specifically for the campaign. The new Law on Financing of Political Activities, adopted in February 2022, lowered donation limits to contestants, introduced interim campaign finance reporting and established ceilings on political party membership fees and loans. Many ODIHR EOM interlocutors raised concerns that public confidence in the transparency and efficiency of party and campaign financing remains low.
- The media sector is polarized and offers a limited diversity of views, despite the high number of outlets. Many ODIHR interlocutors raised concerns about the weakened media freedom and a climate of vilification of critical voices. Following the inter-party dialogues, a Temporary Supervisory Authority (TSA) was established in October 2021; it is tasked to monitor the media's compliance with the campaign-related regulations, but without any enforcement powers.
- Complaints may be filed with the REC and the administrative courts before election day; after election day, complaints on polling board (PB) decisions may be filed with the LECs. The February 2022 legislative changes extended the legal standing to voters on several aspects of the electoral process, prolonged the timeframes for filing and reviewing complaints, prescribed an obligation for REC to publish its decisions within 24 hours and enhanced the regulation of post-election day disputes.
- The Constitution guarantees the rights and freedoms of national minorities, and the legislation contains special measures for promoting national minority participation in public and political life, including preferential rules for registering political parties and candidates and for parliamentary seat distribution. Six candidate lists registered their national minority status for the early parliamentary elections, representing the Albanian, the Bosniak, the Hungarian and the Croat and Ruthenian communities.
- Pursuant to the February 2022 amendments, the election law provides for citizen and international observers and guarantees observers unhindered access to the process. As of 15 March, the REC accredited 45 observers from 4 civil society organizations and 70 international observers from 5 organizations.

II. INTRODUCTION

Following an invitation from the authorities of the Republic of Serbia to observe presidential and early parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 22 February.¹ The EOM, led by Douglas Wake, consists of a 15-member core team based in Belgrade and 26 long-term observers (LTOs) deployed throughout the country from 4 March. Mission members are drawn from 24 OSCE participating States and 44 per cent of mission members are women. ODIHR has requested participating States to second 250 short-term observers (STOs) to observe election-day proceedings.

III. BACKGROUND AND POLITICAL CONTEXT

In October 2020, shortly after the 2020 parliamentary elections, President Aleksandar Vučić declared that early parliamentary elections would take place in 2022. Following an agreement reached in October 2021 between nine political parties on introducing changes to the electoral legal framework and holding new elections, the president dissolved the parliament on 15 February and set early parliamentary elections for 3 April 2022. On 2 March, in line with the Constitution, the speaker of the parliament called the presidential

¹ See previous [ODIHR election observation reports on Serbia](#).

election to be held concurrently with the early parliamentary elections.² On the same day, local elections will also be held in 14 municipalities, including Belgrade.

In 2017, then Prime Minister Vučić, nominated by the ruling Serbian Progressive Party (SNS), won the presidential election.³ The June 2020 parliamentary elections were boycotted by most of the opposition, including the Democratic Party (DS), the People's Party (NS), the Party for Freedom and Justice (SSP), the Serbian Movement *Dveri*, and the Social Democratic Party (SDS), citing lack of conditions for holding democratic elections and limited media freedoms. The parties belonging to the ruling coalition obtained 231 of the 250 parliamentary mandates: the SNS-led coalition won 188 seats, the Serbian Socialist Party (SPS)-led coalition 32, the Serbian Patriotic Party (SPAS) 11, while four parties representing national minorities held the 19 remaining seats.

An inter-party dialogue (IPD) process between the government and opposition, mediated by members of the European Parliament (EP), resulted in the adoption on 18 September 2021 of a number of measures aimed at improving the electoral process. A second dialogue was launched under the auspices of the speaker of the parliament, held in parallel without foreign mediation, and led to an agreement on 29 October.⁴ While a number of opposition parties expressed dissatisfaction with the dialogue processes and considered the outcomes limited, all of them decided to participate in these elections.

The political landscape is dominated by the SNS, headed by Mr. Vučić since 2012. The pre-election environment is marked by strong polarization between the ruling parties and the opposition and follows numerous citizens' protests that took place since July 2020, most of which were peaceful.⁵ Since September 2021, prolonged street protests and roadblocks took place across the country, related to environmental issues and the adoption of the Law on Expropriation and the Law on Referendum and Public Initiatives.⁶ On 16 January, a constitutional referendum related to the appointment of judges and prosecutors was held, and the constitution was subsequently amended on 9 February.⁷

The representation of women in the outgoing parliament was 40 per cent. Women hold 11 ministerial positions of 24 in the outgoing government, including the prime minister. Women remain generally underrepresented in elected and appointed offices, especially at the local level.⁸

² The presidential election is held 90 to 60 days prior to the end of the current president's term in office, which will expire on 31 May.

³ The election was contested by 11 candidates; Mr. Vučić won in the first round with 55.1 per cent of the votes.

⁴ The EP-mediated IPD was held between the SNS, the SPS and the opposition parties, including those that boycotted the 2020 elections. On 17 September, the SSP, the DS, the Movement of Free Citizens (PSG) and the Movement for Change (PZP) left the EP-mediated IPD, considering that the conditions for fair elections would not be reached through this dialogue. The IPD facilitated by the speaker included the SNS, the SPS and part of the opposition: Enough is Enough (DJB), the Serbian Movement *Dveri*, the Democratic Party of Serbia (DSS), the Movement for the Restoration of the Kingdom of Serbia (POKS), the Serbian Radical Party (SRS), Healthy Serbia (ZS), and the Serbian Party "*Zavetnici*" and did not include DS, NS, SSP and SDS.

⁵ Some of the July 2020 protests over the government's handling of the COVID-19 pandemic were violent; several opposition parties and civil society organisations alleged police violence against the demonstrators.

⁶ On 11 November 2021, the amendments to the Law on Referendum removed the 50 per cent turnout requirement.

⁷ The referendum on constitutional changes meant to ensure the independence of the judiciary by limiting the parliament's role in electing judges and prosecutors. The opposition parties mainly supported the "no" option or a boycott, considering that the reforms were insufficient to provide for the independence of the judiciary. The "yes" won 60.48 per cent of votes, but the voter turnout was only 30.6 per cent.

⁸ According to [UN Women](#), "women are under-represented in decision-making in all spheres of Serbia's social, economic, and political life." [As of 2021](#), of 169 local governments, in 22 women were mayors or presidents.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected for a five-year term from a single nationwide constituency. If no candidate obtains more than 50 per cent of the votes cast, a second round between the two candidates with the highest number of votes is held within 15 days. The 250 members of the parliament are elected for a four-year term through a proportional system with closed candidate lists from a single nationwide constituency. Mandates are distributed among candidate lists that receive more than three per cent of the votes cast. Candidate lists representing national minorities are exempt from the threshold requirement. In addition, for the purpose of seat distribution, minority lists that did not exceed 3 per cent of the votes cast are provided with a 1.35 multiplier to their received votes.

The presidential and parliamentary elections are primarily regulated by the Law on the Election of the President (PEL), the Law on Election of Members of the Parliament (election law), the Law on Unified Voter Register (LUVR) and by the decisions and instructions of the Republic Electoral Commission (REC).⁹ The election-related legal framework was significantly revised on 4 February, some two months prior to the elections.¹⁰ The legislative changes were adopted following wide-ranging inter-party consultations, which had the aim of encouraging the electoral participation of the non-parliamentary opposition parties.¹¹

The February 2022 legislative revision pertains, *inter alia*, to the composition of election commissions and the transparency of their work; timeframes and legal standing for dispute resolution; political party and campaign funding; disclosure of campaign finances prior to election day; regulation of the media coverage of officials who are also candidates; and post-election audits of the voter lists signed by voters who voted. In addition, a temporary media supervisory body was established and the law now includes a possibility to scrutinize election material after election day.

The new legislation incorporates some previous ODIHR recommendations, including with regard to the election administration, dispute resolution and campaign finance. A number of long-standing ODIHR recommendations remain unaddressed, including those pertaining to the independence and effectiveness of the Regulatory Authority for Electronic Media (REM), and measures aimed at tackling the misuse of state resources and pressure on voters. While some ODIHR EOM interlocutors welcomed the legislative changes as an improvement, most civil society and opposition stakeholders raised concerns that these changes do not address all long-standing challenges to the integrity of the elections.

⁹ Other applicable legislation includes relevant provisions of the 2006 Constitution (last amended in 2022), the 2009 Law on Political Parties, 2022 Law on Local Elections, the 2022 Law on Financing Political Activities (LFPA), the 2019 Law on Prevention of Corruption (LPC), the 2002 Law on Public Information and Media, the 2009 Law on Administrative Disputes, the 2016 Law on Administrative Procedures, the 2011 Criminal Procedures Code, the 2004 Law on Free Access to Information of Public Importance, the 2018 Law on Personal Data Protection and the 2005 Criminal Code.

¹⁰ On 4 February 2022, the parliament adopted the new election law, the PEL, the Law on Local Elections and the Law on Financing of Political Activities. Amendments were also introduced to the LPC, the Law on Electronic Media and the Law on Public Information and Media.

¹¹ The 29 October [agreement](#) of the IPD facilitated by the speaker stipulated, *inter alia*, holding early parliamentary elections concurrently with the presidential and local elections in Belgrade, the establishment of Local Electoral Commissions, a changed composition and method of appointment of the REC and PBs, enhanced transparency in the election administration and tabulation of election results, and the creation of an inter-party working group for auditing the voter register.

V. ELECTION ADMINISTRATION

The elections are administered by a three-tiered structure of election commissions, comprising the REC, 161 local electoral commissions (LECs) and some 8,400 polling boards (PBs).¹² The February 2022 legislative changes formalized the LECs for national elections, provided temporary representation to non-parliamentary opposition at all levels of the election administration, and prescribed rules to ensure gender balance and the inclusion of persons with disabilities in election commissions.¹³

The REC, a permanent body, consists of a chairperson and 16 permanent members (and their substitutes) nominated by political entities in proportion to their representation in the parliament. For these elections only, as a result of a political agreement, the REC permanent composition was extended to 23 members, including 6 nominated by the non-parliamentary opposition parties.¹⁴ For the electoral period, each presidential and parliamentary contestant can appoint a member to the extended composition of all election commissions. Of the 23 REC members, 11 are women.

LECs were established by the local assemblies by the legal deadline of 15 February, with members appointed in proportion to their representation in local assemblies.¹⁵ LECs have the mandate to manage and supervise the elections in the respective administrative unit, appoint PBs, determine polling stations and adjudicate certain types of complaints. Some ODIHR EOM interlocutors voiced concerns about the technical capacity of the LECs with regard to new responsibilities, such as the post-electoral audit of election material, and potential susceptibility to political influence. By law, PBs comprise three members in their permanent composition, proposed by the political entities in the parliament, who should be appointed by 23 March, together with the extended members.

To date, the REC and LECs have met all legal deadlines, despite the compressed timeframe for holding early parliamentary elections, as well as holding two electoral contests in parallel. The REC held regular sessions open to the media; sessions were streamed online. In line with the February 2022 legislative changes, the REC and LECs have published all decisions and instructions in a timely manner, and in accordance with a prior ODIHR recommendation, the REC abolished the possibility of holding sessions via email. The REC informed the ODIHR EOM that it will provide online training sessions for LECs chairpersons and secretaries, primarily focusing on the determination of election results and complaint adjudication. The training for PB members will take place both online and in-person and, in line with the legal provisions, is not mandatory. To date, the REC has conducted a limited civic and voter education campaign, consisting mainly of TV spots focusing on the possibility for voters to register at their temporary residence and abroad.

VI. VOTER REGISTRATION

All citizens aged at least 18 years on election day have the right to vote, except those who lost legal capacity through a court decision. The Unified Voter Register (UVR) is a permanent database maintained electronically by the Ministry of Public Administration and Local Self-Government (MPALSG). Inclusion

¹² Special polling stations (PS) were established in 29 penal and detention facilities. The REC informed the ODIHR EOM that it is planning to form five LECs for voting in Kosovo. Out-of-country voting will be conducted in 77 PSs established in diplomatic representations in 34 countries.

¹³ In previous elections, the REC established *ad hoc* Working Bodies in municipalities to provide operational support and establish a link between the REC and PBs.

¹⁴ No parliamentary group may nominate more than half of the membership. Of the 23 permanent REC members, SNP nominated 8, SPS 3, and one member each was nominated by the Party of United Pensioners of Serbia (PUPS), Social Democratic Party of Serbia (SDPS), the SVM, the SSP, the JS, the SDA, the Serbian Movement “Dveri”, the DJB, the SDS, the POKS, the SRS, and the Serbian Party “Zavetnici” (SSZ).

¹⁵ The LECs have 7 to 13 members, depending on the number of registered voters in the administrative unit. By law, for these elections only, the permanent membership of LECs and PBs was increased by one member each, appointed from among non-parliamentary political parties.

in the UVR is based on voters' permanent residence. Voters are entitled to request inclusion in the voter lists at their place of temporary residence and also abroad. Special voter lists are compiled for voters on military duty, in prisons and detention facilities and abroad. Voters may request mobile voting due to illness, age or disability at their respective LEC or PB, without providing a justification. To date, the REC has not taken any specific new decisions with regard to voters in isolation due to COVID-19.

A number of ODIHR EOM interlocutors raised concerns about the accuracy of the UVR. Some drew attention to continued presence of entries of deceased persons, which the MPALSG acknowledged to the ODIHR EOM. In line with the inter-party agreement, on 18 November, the government created a working group to conduct an external audit of the UVR; however, the MPALSG informed the ODIHR EOM that the planned audit would not take place prior to these elections due to the short time. By law, voters have the right to inspect their entries at local administration premises or online and request corrections between 16 February and 31 March. Political parties and electoral contestants do not have the right to independently scrutinize the UVR.¹⁶ According to the MPALSG, as of 9 March, voters verified 1,487 entries in the UVR.¹⁷

Following a MPALSG instruction of 21 April 2021, the number of registered voters per municipality is made public quarterly.¹⁸ Pursuant to the February 2022 amendments, the REC will publish preliminary numbers of registered voters per municipality and polling station upon closing the UVR for changes on 18 March, and the final figures 48 hours prior to election day.¹⁹

VII. CANDIDATE REGISTRATION

Citizens eligible to vote may stand for president or member of parliament. Candidates can be nominated by political parties, pre-electoral coalitions and *ad hoc* groups of at least ten voters. The law requires a minimum 40 per cent of each gender on parliamentary candidate lists and prescribes that two candidates of the less represented gender be represented among every five consecutive candidates.

The candidate registration periods for the early parliamentary and presidential elections started with the call of the corresponding elections, respectively on 15 February and 2 March. With the February 2022 legislative changes, the deadline for candidate registration was shortened by 5 days and ended on 13 March. Requests to register presidential candidates and parliamentary candidate lists were submitted to the REC; registration requirements included certified signatures from at least 10,000 voters.²⁰ Voters could sign in support of only one contestant for each election. Most ODIHR EOM interlocutors pointed out limited access to the certifying authorities, especially in smaller communities, asserting that notaries were only available to certify signatures supporting their candidates after providing this service to candidates of the ruling coalition.

The REC verified the registration documents against the legal criteria, and the MPALSG established whether the number of valid signatures reached the threshold. By law, submitters of presidential candidates and parliamentary candidate lists had 48 hours to remedy deficiencies and omissions identified in the registration documents. As of 15 March, the REC accepted all requests to register presidential candidates and registered 17 parliamentary candidate lists. Five requests to register parliamentary candidate lists are pending, as following verification, the REC established that the valid support signatures submitted fail to

¹⁶ On 14 February, the civil society organization CRTA [requested](#) online access from the MPALSG to the number and names of registered voters at any given residential address in the country to be able to verify allegations that voter lists in some municipalities were inflated by registering voters *de facto* resident elsewhere. To date, the ministry did not reply to the request.

¹⁷ The MPALSG does not collect information on the number of corrections requested.

¹⁸ On 23 January, the number of registered voters was published as 6,502,030, constituting a decrease of 8,293 compared to the 16 January constitutional referendum.

¹⁹ Between 18 and 31 March, only changes requested by voters can be implemented in the UVR.

²⁰ Certification can be conducted by public notaries, municipal administration and courts.

meet the legal threshold. Three of the eight registered presidential candidates are women. A total of 2,863 parliamentary candidates nominated by 6 political parties, 9 coalitions and 2 groups of voters are contesting the early parliamentary elections; 1,205 (42 per cent) are women. Women head 4 (24 per cent) candidate lists.

VIII. ELECTION CAMPAIGN

In line with the law, the official campaigns for the presidential and parliamentary elections started on the day the respective elections were called. A campaign silence period starts 48 hours before election day, including in online media.²¹ The law allows most public officials to engage in political activities, including campaigning, unless it conflicts with their public duties.²²

During the first weeks of the campaign, contestants organized rallies and door-to-door meetings, distributed flyers, and actively reached out to the electorate on social media.²³ With the exception of one incident, the campaign has been peaceful.²⁴ To date, the campaign predominantly focused on the economy, employment, foreign investment, environmental protection, Serbia's foreign policy with regard to the EU and NATO, the status of Kosovo²⁵ and the armed conflict in Ukraine. To date, most ODIHR EOM interlocutors indicated that COVID-19 and related regulations did not affect their campaign efforts and strategies.²⁶ All opposition representatives met by the ODIHR EOM highlighted their general long-standing lack of access to the national public and private broadcasters to present their views.²⁷

The Law on Financing of Political Activities (LFPA) prohibits political entities from sponsoring projects of public benefit during the campaign period. The law requires all public officials, except MPs, to inform their audience at any public appearance whether they represent a public office or a political party. Some civil society interlocutors informed ODIHR EOM that, in a number of occasions, official meetings of public officials were followed by their campaign events in the same localities.²⁸ Public officials are prohibited from using public resources and official events for political purposes, including election campaigns.²⁹ Many ODIHR EOM interlocutors alleged long-standing practices of misuse of administrative resources, abuse of office, pressure on voters, especially public company workers and civil servants, and expected widespread vote-buying attempts on economically and socially vulnerable communities, particularly among the Roma and those employed on short-term contracts.

²¹ It applies to online editions of all media as well as independent online outlets, which are officially registered.

²² The law mandates the Anti-Corruption Agency to determine ex officio or upon a complaint if there was a conflict between public duties and political activities of public officials.

²³ Since 28 February, the ODIHR EOM has been following the social network activities of the announced presidential candidates and political parties and coalitions running in the early parliamentary elections, on Facebook and Twitter.

²⁴ On 25 February, in Kula, a parliamentary candidate of the coalition "Moramo" was reportedly insulted and attacked during signature collection.

²⁵ All references to Kosovo, whether to the territory, institutions or population, should be understood in full compliance with the [United Nations Security Council Resolution 1244/99](#).

²⁶ On 7 March, the municipality of Subotica rejected the United Serbia coalition's request to set up an outdoors campaign stand, citing COVID-19 related restrictions, although other parties had been granted similar requests earlier. The 2020 [Government Decree](#) on Measures for Prevention and Eradication of COVID-19 prescribed a limit of 500 participants for indoor and outdoor events, including political rallies. This limitation was abolished on 12 March.

²⁷ Many ODIHR EOM opposition interlocutors claimed that while they receive the legally prescribed access to election programmes during campaign period, overall, their activities are rarely covered in primetime broadcasts of influential TV channels with national coverage outside the campaign period, as opposed to the extensive coverage provided to the authorities.

²⁸ On 24 February, Transparency Serbia filed a [complaint](#) at the ACA about materials supporting SNS published on the official website of the Ministry of Defence. The complaint has not been reviewed to date.

²⁹ On 4 March, the ACA issued [a warning](#) to SNS for creating a promotional video in a public health institution that featured the head of the institution who promoted SNS. Several other cases were reported to the ACA by civil society organizations, but no violations were found.

In the months prior to the elections including in January and February this year, President Vučić announced several budgetary allocations, which some ODIHR EOM interlocutors perceived as financial incentives to the electorate. Such handouts included aid vouchers for pensioners and a cash giveaway for young people.³⁰

IX. CAMPAIGN FINANCE

Campaign finance is primarily regulated by the LFPA, the 2019 Law on Prevention of Corruption (last amended in 2022) and supplemented by regulations of the Anti-Corruption Agency (ACA). The new LFPA, adopted on 4 February 2022, *inter alia*, lowered donation limits, introduced interim reporting on donations and expenditures for electoral contestants and established ceilings on political party membership fees and loans, in line with prior ODIHR recommendations. The legislative changes left a number of previous ODIHR recommendations unaddressed, including those pertaining to the introduction of a campaign expenditure limit and improvement of the efficiency of the oversight mechanism. Despite the legislative revision, most ODIHR EOM interlocutors expressed low confidence in the efficiency of the party and campaign finance regulations, citing legal loopholes that could be used to circumvent transparency and accountability requirements as well as deficient implementation and control.

Political entities represented in the parliament are eligible for annual public funding, amounting to RSD 1.4 billion in 2022 (around EUR 12 million).³¹ In addition, public funds are allocated for election campaigns to political entities nominating presidential and parliamentary contestants.³² In 2022, the total subsidy for campaigns amounts to some RSD 1.8 billion (around EUR 15 million).³³ Contestants may also finance their political activities, including campaigns, from their own funds, monetary and in-kind donations and loans. Donations are limited to 10 average net monthly salaries, or RSD 746,290 (around EUR 6,350) for individuals and 30 salaries or RSD 2.24 million (around EUR 19,000) for legal entities; these amounts are doubled in election years, regardless of the number of contests. Donations from anonymous and foreign donors, public contractors, public entities, some civil servants, religious institutions, non-profit organizations and trade unions and through third parties are prohibited. Donations exceeding one average salary or RSD 74,629 (EUR 634) have to be through a bank transfer and reported online on the party's website.³⁴

The ACA is mandated with the oversight of political finance and prevention of corruption. Political entities have to submit annual financial reports to the ACA by 30 April. Pursuant to the February 2022 LFPA, campaign finance reports are submitted to the ACA 5 days prior to elections and within 30 days after the publication of the election results and published by the ACA online 3 and 7 days after submission, respectively. The ACA is required to verify the accuracy of the campaign reports against the attached

³⁰ In February 2022, in line with a government [notification](#), each beneficiary of pension received a state subsidy of RSD 20,000 (around EUR 170). Pursuant to a January 2022 [law](#) on mitigation of the consequences of the COVID-19 pandemic, EUR 100 were distributed to all the citizens aged 16 to 29 who applied for it. February 2022 amendments of the same law provide for a repeat disbursement after elections, a decision which the president attributed in a TV interview on Happy TV to himself, the prime minister and the minister of finance.

³¹ The funds are connected to the tax revenue budgetary component and distributed in proportion to valid votes received in the last parliamentary elections. In 2020, of total RSD 786 million (around EUR 6.8 million) allocated from the state budget, SNS received RSD 520 million (around EUR 4.4 million), SPS received RSD 110 million (around EUR 1 million), SDPS and United Serbia received RSD 30 million (around EUR 300,000) each.

³² Forty per cent of the funds allocated for election campaigns are distributed equally among nominators of registered parliamentary and presidential contestants prior to elections, subject to application and an election bond. Unspent campaign subsidy must be returned to the budget. The electoral bond, equalling the share of public subsidy, is only refunded to contestants that gain over 1 per cent of votes (0.2 per cent for national minority parties). The remaining 60 per cent of the funds is divided among contestants in proportion to the number of parliamentary seats obtained. For the presidential election, the winning candidate receives all remaining funds.

³³ Approximately RSD 895,510,000 (around EUR 7.8 million) for the presidential, and RSD 922,530,000 (around EUR 7.6 million) for the parliamentary elections.

³⁴ To date, only SPS [reported](#) some EUR 500,000 in individual donations.

financial documentation supplemented by the findings of its campaign observers and publish conclusions within 120 days after the deadline for submitting the reports. The ACA informed the ODIHR EOM that, for these elections, it deployed 130 observers around the country to monitor campaign events and material.

The ACA may initiate an additional audit, issue warnings, and launch misdemeanour or criminal proceedings *ex officio* or upon receiving complaints, leading to financial sanctions, which may include suspension of public funding or imprisonment.³⁵ The ACA's decisions can be appealed under an administrative procedure, with no expedited deadlines. In addition, the State Audit Institution (SAI) is mandated to conduct an annual audit of political parties and coalitions represented in the parliament.³⁶ Many ODIHR EOM interlocutors expressed significant concerns about the efficiency of the existing oversight mechanism, in particular with respect to reacting to and preventing violations, and inadequate application of sanctions by the oversight bodies.

X. MEDIA

Television remains the primary source of political information, followed by social networks and online media. The media sector is polarized and offers a limited diversity of views, despite the high number of outlets. Many ODIHR interlocutors raised concerns that all influential private TV channels with a national reach tend to follow similar editorial lines and mainly promote government policies, while private media outlets with alternative viewpoints do not provide an effective counterbalance, given their limited reach.³⁷ In addition, numerous concerns were expressed with regard to diminished media freedom, attacks and threats against journalists and a climate of vilification of critical voices.³⁸

The law obliges all broadcasters to provide information about the contestants in a non-discriminatory and objective manner. Public service media must ensure equal reporting about all contestants and provide them with equal airtime to present their platforms. Recent legal amendments oblige media service providers to publish advertising rates before the election campaign and apply the same prices to all contestants. It also introduced ban on media outlets from informing on opening and inauguration events that candidates attend in their capacity as public officials, within the last ten days of the campaign; many ODIHR EOM interlocutors consider this period too short to be effective.

The Regulatory Authority for Electronic Media (REM) is vested with oversight of the broadcast media in order to ensure consistent application of the law and adjudicate media-related complaints. Many ODIHR interlocutors, including the REM itself, consider the sanctions applied for violations ineffective during the campaign period due to protracted deadlines.³⁹

³⁵ The audit and other sanctions may be imposed, *inter alia*, as a result of the verification of financial reports. In the campaign period, the ACA reviewed three complaints: two against SNS for misusing administrative resources in their campaign videos, in one case no violation was established, one was granted with a warning issued to the party. One complaint alleging misuse of the incumbent president's social media account for campaigning was dismissed, as the ACA decided that the contested account was private. Since 2020, the ACA initiated 50 cases on misuse of office or public resources, issuing 17 warnings and 4 dismissal requests.

³⁶ By law, the SAI is not obliged to audit all political entities in the parliament each year. The LFPA stipulates that in selecting the entities for the audit, the SAI "takes into account the amounts of public funds received by the political entity and the frequency of previous audits."

³⁷ Political influence over the media and lack of access of opposition to the media were major topics of the dialogue between the ruling parties and the opposition within the EP-mediated IPD.

³⁸ A [Resolution by the European Parliament](#), adopted on 25 March 2021, stressed that freedom of expression and the independence of media remain serious concerns which need to be addressed as a matter of priority. The 2021 [report](#) of the Independent Journalism Association of Serbia highlighted that: "journalists are exposed to threats and attacks, and the situation deteriorated further due to the coronavirus pandemic". See also statement by the OSCE Representative on Freedom of the Media from [21 June 2021](#) and [20 April 2020](#).

³⁹ The minimum period to adjudicate a complaint is 21 days, due to compulsory legal procedures to be observed by the REM Council.

In October 2021, a new body, the Temporary Supervisory Authority for Media Monitoring during the Election Campaign (TSA), was set up by a government decision, following a political agreement.⁴⁰ The TSA is tasked to monitor the media's compliance with the campaign-related regulations and to inform the public of its findings; the entity has no enforcement powers. According to some TSA members, internal frictions between members nominated by the opposition and those by the REM pose a serious obstacle to efficient decision-making. The REM is conducting quantitative monitoring of four public television channels, four national private channels and four cable private channels during the campaign period.⁴¹ The selection of the cable channels has been questioned by several ODIHR EOM interlocutors, alleging that it is not based on objective criteria and creates a misleading perception of pluralism.⁴² In line with law, another body, the Election Campaign Oversight Board, composed of members nominated by parliamentary groups, started its activities on 28 February, with a mandate that includes the oversight of the campaign in the media, issuing warnings and initiating proceedings through the respective state authorities.⁴³

On 4 March, the ODIHR EOM commenced qualitative and quantitative media monitoring of 12 TV channels and ten newspapers.⁴⁴

XI. COMPLAINTS AND APPEALS

Submitters of candidate lists, political parties, candidates, parliamentary groups and voters may file complaints.⁴⁵ Prior to election day, complaints may be filed with the REC and the Administrative Court in Belgrade. In line with a previous ODIHR recommendation, the February 2022 legislative changes prescribe the right to file complaints after election day, including against the LEC decision on results, annulments of voting and decisions on inability to determine results. Complaints against the decision of the parliament to confirm the mandates of the new deputies may be filed with the Constitutional Court. In addition, the changes, in accordance with previous ODIHR recommendations, extended the legal standing to voters on several aspects of the electoral process, prolonged the timeframes for filing and reviewing complaints from 24 and 48 to 72 hours, and prescribed an obligation of the REC to publish all of its decisions within 24 hours.

The REC has so far published all complaints in the online register on its website. To date, six complaints have been filed with the REC and three appeals to the Administrative Court. Of them, five complaints

⁴⁰ The TSA is composed of six members nominated by the REM, three members proposed by the opposition in the framework of the EP-mediated IPD and three opposition members from the IPD facilitated by the speaker of parliament. The TSA makes decisions by vote of a two-third majority of members.

⁴¹ The REM has issued three weekly reports for the campaign period and informed the ODIHR EOM that, for the first time, it monitored the broadcasts of eight television channels in the period before the elections were called (from 1 January) and had published three reports for that period. The campaign-related reports provide data on the time and tone of coverage per contestants and other actors but only limited information on the media presentation of state officials.

⁴² The REM decided to monitor four cable television channels (*TV NI*, *TV Nova S*, *Al Jazeera* and *Insajder TV*). This decision has been questioned by some interlocutors, as while the channels are considered to be critical of government policies, their reach is smaller than that of TV channels with national coverage. Furthermore, opposition-nominated TSA members informed the ODIHR EOM that they proposed to the REM to monitor different cable TV channels for more diversity. The REM has not responded to this inquiry.

⁴³ To date, the board did not initiate any proceedings.

⁴⁴ The EOM has been monitoring primetime broadcasts (18:00-24:00 hours) of public *RTSI* and *RTVI* and private TV channels *TV B92*, *Happy TV*, *RTV Pink* and *TV Prva*. In addition, main news programmes of *Euronews Serbia*, *Insajder TV*, *TV NI*, *TV Nova S*, *Kurir TV* and *TV Vesti*, and as well as the front-pages of ten daily newspapers are being monitored.

⁴⁵ The law contains scattered provisions on dispute resolution, stipulating diverse legal standing for different types of disputes as well as timeframes ranging from 48 hours to 7 days.

challenged the registration of three candidate lists and a presidential candidate.⁴⁶ One complaint challenged a LEC decision establishing polling stations without REC approval, as required by law.⁴⁷ Of these complaints, five were rejected by the REC as unsubstantiated and one was dismissed on technical grounds.⁴⁸ The Administrative Court upheld all three REC decisions.⁴⁹

XII. PARTICIPATION OF NATIONAL MINORITIES

The Constitution guarantees the rights and freedoms of national minorities, including those related to political association, cultural institutions, education and access to information in their own languages. Twenty-three groups are recognized as national minorities through their representation in the respective National Minority Councils.⁵⁰ The legislation contains special measures for promoting national minority participation in public life, including by providing preferential criteria to register political parties.⁵¹ Of the 116 registered political parties, 70 represent national minorities. There were three national minority parties and one coalition in the outgoing parliament, representing the Albanian, Bosniak, Hungarian and Macedonian communities; the Roma had no political party in the parliament.⁵²

The February 2022 legislative changes reduced the number of support signatures required to register national minority candidate lists from 10,000 to 5,000 and established detailed criteria for the REC to determine if a list is eligible for national minority status. Four parties and two coalitions registered candidate lists with a national minority status for the early parliamentary elections, two representing the Albanian, two the Bosniak, one the Hungarian and one the Croat and Ruthenian communities jointly. The national minority status of four lists claiming to represent the Russian, Slovak and Vlach community was rejected by the REC on the grounds that the submitters could not sufficiently prove that all candidates belonged to national minorities.⁵³ Many ODIHR EOM interlocutors stated that provisions for obtaining national minority status are often misused by political forces that do not belong to minorities for circumventing the thresholds for gaining representation.

⁴⁶ A voter filed two complaints against the registration of the lists of the SNS-led and SPS-led coalitions, alleging that they could not have possibly collected signatures in such a short time. The NADA coalition and DSS challenged the registration of the *Dveri*-led coalition's list, alleging that the coalition agreement was not signed by an authorized representative of one of the coalition members. A group of voters filed a complaint against the registration of the presidential candidate Mr. Vučić, alleging that he lacks legal capacity.

⁴⁷ Coalition "*Moramo*" filed a complaint against the LEC Bela Palanka's decision on 24 February 2022, designating 10 polling stations with less than 100 voters.

⁴⁸ The personal information of the complainant was incomplete.

⁴⁹ The Administrative Court upheld the REC decisions on the registration of the *Dveri*-led list and the presidential candidate Mr. Vučić.

⁵⁰ According to [2011 census data](#), minority groups together represent over 15 per cent of the population, with ethnic Hungarians and Roma being the largest, comprising some 3.5 and 2.1 per cent of the population, respectively.

⁵¹ By law, national minorities can register a political party with support of 1,000 certified signatures from voters; other parties require 10,000 signatures.

⁵² In February 2022, the government adopted a [national strategy](#) for the social inclusion of Roma for the period from 2022 to 2030.

⁵³ The parties were provided by the REC with a 48-hour deadline to collect additional signatures to meet the threshold to register as mainstream candidate lists; as of 15 March, these registration requests are pending. The election law mandates the REC to determine the national minority status of candidate lists, including by verifying if the party's declared objective is protecting a specific national minority and by requesting an opinion from the respective national minority council. A new legal provision authorizes the REC to reject the national minority status of a candidate list if its leader or candidates are known to be members of another, non-minority party. While not specifically stated by the law, the REC interpreted that the legal provision enables it to check if individual candidates on the lists belong to national minorities by verifying if the candidates are registered on the special voter lists to elect national minority councils.

XIII. CITIZEN AND INTERNATIONAL OBSERVERS

Many ODIHR EOM interlocutors expressed concerns about a narrowing space for civil society organizations.⁵⁴ The newly adopted election law provides for citizen and international observers and guarantees observers unhindered access to the entire election process, in line with prior ODIHR recommendations. Civil society organizations registered as holding objectives related to elections may nominate observers until seven days prior to the elections. Citizen observation is restricted to one observer per nominating organization in each election commission. As of 15 March, the REC accredited a total of 45 observers from 4 civil society organizations and 70 international observers from 5 organizations.

XIV. ODIHR EOM ACTIVITIES

The ODIHR EOM formally opened in Belgrade with a press conference on 23 February. The ODIHR EOM established regular contacts with the REC, the Ministry of Foreign Affairs and other high-level state officials, candidates for national office and other representatives of political parties and movements, media, civil society, and members of the diplomatic and international community.

The OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament intend to deploy observer delegations for election-day observation. Kyriakos Hadiyianni (Cyprus) has been nominated to serve as Special Co-ordinator, and Bryndis Haraldsdóttir (Iceland) has been appointed as Head of the OSCE PA delegation.

*The English version of this report is the only official document.
An unofficial translation is available in Serbian.*

⁵⁴ The March 2022 [Third Periodic Review](#) of the UN Committee on Economic, Social and Cultural Rights notes “repeated allegations of harassments, intimidation and physical and verbal attacks by both non-state and state actors on human rights defenders advocating economic, social and cultural rights.” The [Resolution by the European Parliament](#), adopted in March 2021, calls on the Serbian authorities to counter the shrinking space for civil society and independent media and ensure that they can work free from all restrictions, including intimidation or criminalization of these organizations. In February 2022, the government adopted [a strategy](#) for the development of civil society between the period of 2022 and 2030, aimed to enhance the co-operation between state and civil society actors and involvement of CSOs in decision making processes and legislative changes.