



Office for Democratic Institutions and Human Rights

REPUBLIC OF SERBIA
PARLIAMENTARY ELECTIONS
2020

ODIHR NEEDS ASSESSMENT MISSION REPORT

12-15 November 2019



Warsaw
20 December 2019

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REPUBLIC OF SERBIA
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Spring 2020

ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an official invitation to observe the upcoming parliamentary elections to be held in spring 2020 and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 12 to 15 November 2019. The NAM included Alexander Shlyk, Head of the ODIHR Election Department, and Ulvi Akhundlu, ODIHR Election Adviser. The ODIHR NAM was joined by Manuchekhr Salokhudinov, Programme Officer of the OSCE Parliamentary Assembly.

The purpose of the mission was to assess the pre-election environment and preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming parliamentary elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, civil society, and the resident international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs of the Republic of Serbia and the OSCE Mission to Serbia for their assistance and co-operation in organizing the NAM. ODIHR would also like to thank all interlocutors for taking the time to meet with the NAM.

II. EXECUTIVE SUMMARY

Parliamentary elections are due to be held in spring 2020. In total, 250 members of parliament will be elected for four-year terms from a single nationwide constituency through a closed-list, proportional system. Candidate lists that surpass the five per cent threshold of votes cast are eligible to take part in the allocation of mandates. Lists representing national minorities are exempted from this threshold requirement.

Political tension has increased in the past years owing to what a number of ODIHR NAM interlocutors described as the dissatisfaction with the overall political and socio-economic situation. Most of the parliamentary opposition is boycotting the sessions of the parliament. Weekly peaceful rallies are taking place in the capital city and across the country with protesters denouncing the rise of authoritarian tendencies of the government and the lack of media freedom. Several mediation and dialogue initiatives seeking to bring together the representatives of the ruling coalition and the opposition parties have not borne results.

The election-related legislation largely remains unchanged since the 2014 parliamentary elections. ODIHR has previously stated that the legislation does not comprehensively cover all fundamental aspects of the electoral process, with certain areas left under-regulated or poorly regulated. Previous ODIHR recommendations pertaining to election administration, campaign regulations and monitoring, media regulations and oversight, dispute resolution and observers have not yet been addressed.

These elections will be administered by two levels of election administration headed by the Republic Electoral Commission (REC). ODIHR NAM interlocutors expressed varying degrees of confidence in the impartiality and professionalism of the REC. Some noted that the existing appointment system of REC members favours the ruling coalition, in particular, in the interim period between the announcement of the elections and the appointment of the extended members. Several stakeholders expressed concerns over potential irregularities in the forthcoming elections, including potential problems with completion of results protocols, possible malfeasance at polling stations, pressure on voters and carousel voting.

All citizens who reach 18 years of age by election day and have a permanent residence in Serbia are eligible to vote, except those who lost legal capacity through a court decision. Although, the authorities have implemented measures to increase the accuracy of voters lists, some ODIHR NAM interlocutors expressed concerns regarding their currentness, particularly regarding deceased persons and voters living abroad. To address these concerns, the Ministry of Public Administration and Local Self-Government (MPALSG) created a working group, with participation of civil society organizations, to audit the voter register.

Any citizen who is eligible to vote can stand for the elections. Candidate lists can be submitted by political parties, coalitions of parties or groups of at least ten citizens. Individual independent candidates are not permitted. Candidate lists should be submitted to the REC and be supported by at least 10,000 notarized signatures of voters. The law establishes a gender quota for candidate lists with at least every third candidate being from the less represented gender.

The official election campaign period starts with the day of calling the elections and ends 48 hours before election day. The law provides for equitable campaigning conditions for all electoral contestants. While political parties generally noted to the ODIHR NAM their ability to campaign freely, including in minority languages, many expressed concerns about biased media coverage of the campaign, potential pressure on voters, in particular on civil servants, and the possible misuse of state resources. A number of opposition parties are planning to boycott the elections.

Campaign finance is regulated by the Law on Financing of Political Activities which has not been changed since the last parliamentary elections. Previous ODIHR recommendations on establishing an expenditure ceiling, shortening the deadlines for submission of financial reports, submitting reports before election day, and introducing proportionate and dissuasive sanctions remain unaddressed. Many ODIHR NAM stakeholders questioned the overall effectiveness of campaign finance legal framework underlining a limited capacity of the campaign finance oversight body to proactively monitor, investigate and effectively sanction any potential irregularities.

All ODIHR NAM interlocutors noted the large number of media outlets operating in the country, but many raised concerns with regard to the transparency of media ownership and persistent self-censorship in both public and private broadcast and print media. Specific concerns were voiced about the safety of journalists, political pressure during the campaign, and limitations to access to information. In response to a previous ODIHR recommendation, the regulatory body for broadcast media has pledged to organize a comprehensive monitoring of the media's conduct during the election campaign and issue regular reports.

All ODIHR NAM interlocutors noted the value that the presence of an ODIHR observation activity could bring in terms of enhancing public confidence and improving the electoral process. The majority of ODIHR NAM interlocutors underscored the need for the deployment of a full-scale ODIHR election observation mission and welcomed any recommendations that a mission may make for potential improvement of the process, including under the auspices of the interagency Working

Group that intends to continue its work. Many viewed the ODIHR observation activity as a means to promote confidence in the electoral process.

In considering an observation activity, the OSCE/ODIHR NAM has taken into account the various findings outlined in this report and the concerns expressed by stakeholders. These include issues relate to the confidence in the conduct of election day procedures, accuracy of the voter register, conduct of the campaign, especially with regard to possible voter intimidation and the potential misuse of state resources. Most previous ODIHR recommendations remain unaddressed, and specific aspects that could merit attention by an ODIHR election observation activity include the conduct of the campaign, campaign finance and media coverage. Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the upcoming parliamentary elections. In addition to a core team of analysts, ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the electoral process countrywide as well as 200 short-term observers for the observation of election day procedures. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

According to the Constitution, the elections should be called by the President 90 days before the expiry of the current parliament's term¹. The legislation further stipulates that not less than 45 days, and no more than 60 days shall pass between the day of calling of the elections and election day.

Following the 2016 early parliamentary elections, the Serbian Progressive Party (SNS) maintained its parliamentary majority.² The new government took office in August, renewing the coalition between the SNS, the Socialist Party of Serbia, and their respective junior partners. In the subsequent local and provincial elections, the SNS further strengthened its political dominance, including through control of both the legislature and the executive at national, provincial and local self-government levels.

The elections will be held against the backdrop of increasing political polarization and public disillusionment with politics. Since March 2019, several opposition parties are boycotting parliamentary sessions due to stated inability to participate effectively in the legislative debate and to present the draft amendments.³ Since late 2018, weekly peaceful rallies are taking place in the capital city and across the country with protesters denouncing the rise of authoritarian tendencies of the government and the lack of media freedom. Several mediation and dialogue initiatives seeking to bring together the representatives of the ruling coalition and the opposition parties have not borne

¹ The constitutive session of the National Assembly of the 11th convocation was held on 3 June 2016.

² The following parties and coalitions entered parliament: the coalition led by the SNS – 131 seats, the coalition led by the Socialist Party of Serbia (SPS) – 29 seats, the Serbian Radical Party (SRS) – 22 seats, the coalition led by the Democratic Party (DS) – 16 seats, the Movement “Enough is Enough” – 16 seats, the Democratic Party of Serbia – 13 seats, the coalition of the Liberal Democratic Party of Serbia (LDP), the Social Democratic Party and the League of Social Democrats of Vojvodina (LSV) – 13 seats.

³ The [2019 European Commission Progress Report on Serbia](#) concludes that the ruling coalition's parliamentary practices led to a deterioration in legislative debate and scrutiny, and significantly undermined the parliament's oversight of the executive.

results.⁴ On 16 September, a number of opposition parties announced their decision to boycott the upcoming elections, citing lack of conditions for a genuinely democratic process.

ODIHR has observed 16 elections in Serbia since 1997, most recently in 2017, when ODIHR deployed an Election Assessment Mission (EAM) for the presidential election. The EAM concluded that “the presidential election provided voters with a genuine choice of contestants, who were able to campaign freely. However, the campaign was dominated by the candidate from the governing coalition, and concurrent prime minister, who benefited from the effectively blurred distinction between campaign and official activities. Unbalanced media coverage and credible allegations of pressure on voters and employees of state-affiliated structures and a misuse of administrative resources tilted the playing field. Regulatory and oversight mechanisms were not effectively utilized to safeguard the fairness of competition.”⁵

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The 250 members of the parliament are elected for four-year terms from a single nationwide constituency through a closed-list, proportional system.⁶ Mandates are distributed among candidate lists that receive more than five per cent of the votes cast. Lists representing national minorities are exempted from this threshold requirement.

Elections are regulated primarily by the 2006 Constitution, the 2000 Law on Election of Representatives (LER), the 2009 Law on the Unified Voters’ Register (LUVR), the 2009 Law on Political Parties (LPP), the 2011 Law on Financing Political Activities (LFPA), and the 2002 Broadcasting Law and the 2016 Law on Public Gatherings.⁷ The legal framework is supplemented by the 2012 Republic Electoral Commission’s (REC’s) Rules of Procedures, and the electoral process will be further regulated through instructions and decisions to be adopted by the REC after the calling of elections. Serbia is party to major international and regional instruments related to holding of democratic elections.⁸

The election-related legislation largely remains unchanged since the 2014 parliamentary elections. ODIHR has previously stated that the legislation does not comprehensively cover all fundamental aspects of the electoral process, with certain areas left under-regulated or poorly regulated. Previous ODIHR recommendations pertaining to election administration, campaign regulations and monitoring, media regulations and oversight, dispute resolution and observers have not been addressed.

On 4 September 2019, the Government formed the “Working group for co-operation with the OSCE and ODIHR on co-ordination and follow-up of the implementation of recommendations for

⁴ Thematic roundtables on electoral conditions were facilitated by the Open Society Foundation in August and September 2019. The European Parliament mediated cross-party talks took place in October, November and December 2019.

⁵ See [previous ODIHR election reports on Serbia](#).

⁶ Parliamentary elections will be taking place in parallel with provincial or local elections.

⁷ Relevant provisions are also included in the Criminal Code, the laws on the Anti-Corruption Agency, on Administrative Disputes, on Free Access to Information of Public Importance, on Personal Data Protection, on Administrative Proceedings and on Criminal Proceedings.

⁸ Including the 1966 International Covenant on Civil and Political Rights, 1979 Convention on the Elimination of All Forms of Discrimination Against Women, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities, the 1950 European Convention on Human Rights. Serbia is also a member of the Venice Commission and of the Group of States against Corruption (GRECO).

improvement of the electoral process”.⁹ Based on the Working Group’s proposals, the Government issued a set of instructions aiming at improving the electoral conditions. The proposals concerned issues related to the prohibition of misuse of state resources, election administration and training, voter rights and registration, media conduct during the election campaign and its oversight. Several ODIHR NAM interlocutors expressed concern over the superficial and declarative nature of the proposed initiatives as well as lack of time to address long-standing systemic issues pertaining to the conduct of elections.

C. ELECTION ADMINISTRATION

The election will be administered by two levels of election administration, the REC and some 8,500 Polling Boards (PBs) which will be formed once the elections are called.¹⁰ The REC is a permanent body comprising a chairperson, 16 permanent members and their deputies, appointed for a four-year term by the parliament, and three non-voting members – a secretary, a deputy secretary and a representative of the National Statistical Office. Six out of 17 permanent members of the REC are women.

The composition of the REC is proportional to the number of seats held by the parliamentary parties. By law, each registered electoral contestant has a right to appoint a representative to serve as an extended REC member with the same rights and duties as permanent members. Based on nominations of the parliamentary parties, the REC will also establish Working Bodies in municipalities to facilitate the work and communication between the REC and PBs and undertake logistical support in organizing the elections.¹¹

ODIHR NAM interlocutors expressed varying degrees of confidence in the impartiality and professionalism of the REC. Some noted that the existing appointment system of REC members favours the ruling coalition, in particular, in the interim period between the announcement of the elections and the appointment of the extended members. The potential for further limitation of effective cross-party oversight in the event of a potential boycott by the opposition parties was also noted by some ODIHR NAM interlocutors.

PBs include a chairperson, two members and their deputies and are composed according to the same principle of a permanent and an extended composition. During previous elections, PBs in Kosovo did not have extended composition, which some ODIHR interlocutors pointed at as potentially limiting the transparency and pluralistic nature of PBs.¹²

The REC noted to the ODIHR NAM its commitment to conduct elections in a professional and effective manner stating its plans to further improve the layout of polling stations and enhance the secrecy of the vote, establish templates for results protocols with detailed instructions and to conduct a comprehensive awareness campaign on various aspects of the elections, including in minority languages. Specific efforts will be undertaken to facilitate voting for persons with disabilities.

⁹ The Working Group consists of 15 members representing various ministries and government agencies. One civil society organization requested to attend the Working Group meetings as an observer, yet, at the time of writing, it has not received a response.

¹⁰ The REC will also establish PBs in military and penitentiary institutions as well as in diplomatic missions abroad. A polling station is established for a minimum of 100 and a maximum of 2,500 voters.

¹¹ 161 Working Bodies of the REC were established during the 2017 presidential election.

¹² All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244.

Despite the regular nature of the upcoming elections, training of election officials will commence after the announcement of the elections.¹³

Several stakeholders expressed concerns over potential irregularities in the forthcoming elections, including potential problems with completion of results protocols, possible malfeasance at polling stations, pressure on voters and carousel voting.

D. VOTER REGISTRATION

The right to vote is granted to all citizens who reach 18 years of age by election day and have a permanent residence in Serbia, except those who lost legal capacity through a court decision. The voter registration is passive. The Unified Voter Register (UVR) is an electronic database maintained by the MPALSG and updated continuously based on municipalities' records, inputs provided by state institutions, and voters' requests.¹⁴ Voters are entitled to request inclusion in the voter lists at their place of temporary residence and also abroad, in which case they are temporarily excluded from the original voter list.¹⁵ Internally displaced persons vote at their place of temporary residence, but have to reconfirm their registration every two years. Special voter lists are compiled for military voters and voters in prisons and detention facilities based on information provided by the respective institutions.

Voters can check their personal data on the MPALSG website and, upon request, at municipalities. Despite provisions in the LUVR, voter lists are not displayed for scrutiny based on the Law on Personal Data Protection prohibiting the public display of personal data without the person's consent.

This lack of public scrutiny has been criticized by some of the ODIHR NAM interlocutors, who have also expressed concerns regarding the currentness of the voter lists, particularly regarding deceased persons, voters living abroad. They have also expressed concern regarding registration of voters residing in Kosovo. To address these concerns, the MPALSG created a working group, with participation of civil society organizations, to audit the UVR.¹⁶

The UVR closes for changes 15 days before election day. Beyond this, modifications shall only be done by the MPALSG if application is lodged not later than 72 hours before election day. After the deadline, the final number of voters is published. The law does not allow voter registration on election day.

The MPALSG informed the ODIHR NAM that measures are being implemented to increase the accuracy of the lists, including by eliminating duplicate registrations, providing voters with information on the procedures for updating the voter lists, trainings of personnel in charge of handling voters' data, and regular inspections of the process of updating of the UVR. The MPALSG also prepared and published the guide for the implementation of the LUVR.

E. CANDIDATE REGISTRATION

Any citizen who is eligible to vote can stand for the elections. Candidate lists can be submitted by

¹³ According to the REC, a training of trainers of future polling board members is ongoing.

¹⁴ Notifications on *ex-officio* changes are communicated to voters by post or emails.

¹⁵ Voters abroad are registered in the UVR according to their most recent place of residence before moving abroad or according to the most recent place of residence of one of their parents.

¹⁶ The results of the audits were planned to be presented by the end of 2019.

political parties, coalitions of parties or groups of at least ten citizens.¹⁷ The law does not limit the number of candidates in the lists. Individual independent candidates are not permitted to contest parliamentary elections.

Candidate lists should be submitted to the REC and be supported by at least 10,000 notarized signatures of voters. Signatures are verified by the REC and the MPALSG against the UVR. Submitters of candidate lists are given 48 hours to correct errors or omissions found in the documents. Some ODIHR NAM interlocutors expressed concerns over a financial burden associated with the requirement to pay a notary fee per each signature.

The LER establishes a gender quota for candidate lists with at least every third candidate being from the less represented gender. Although the gender quota is a prerequisite for registration, the law does not require the quota to be maintained after registration. Whereas a candidate list may be withdrawn up to 10 days before election day, withdrawals of individual candidates from the registered lists are not regulated.

F. ELECTION CAMPAIGN

The official election campaign period starts with the day of calling the elections and ends 48 hours before election day. The law provides for equitable campaigning conditions for all electoral contestants. While political parties generally noted to the ODIHR NAM their ability to campaign freely, including in minority languages, some expressed concerns about biased media coverage of the campaign, the use of negative campaigning, potential pressure on voters, in particular on civil servants, and the possible misuse of state resources, especially in more remote areas. In an effort to address these issues, the parliament, upon the proposal of the Working Group, adopted amendments to the laws related to the use of public resources and the role of public officials in the campaign.

Most of the political party representatives met by the ODIHR NAM expected the campaign to be intense and centre on foreign policy matters, regional co-operation, socio-economic issues as well as policies to fight corruption and unemployment. While television remains an important medium for campaigning, parties noted the use of social media as key means of outreach alongside traditional campaign methods such as rallies, outdoor advertisement and distribution of posters and campaign materials. Minority parties complained to the ODIHR NAM that due to the lack of financial resources, their ability to purchase campaign advertising on billboards or in print and electronic media is likely to be limited. Opposition parties planning to boycott the elections noted to the ODIHR NAM their intention to organize activities to decrease the overall turnout on election day with an envisaged aim of triggering new elections.

G. CAMPAIGN FINANCE

Campaign finance is regulated by the LFPA which has not been changed since the last parliamentary elections.¹⁸ Previous ODIHR and the Council of Europe Venice Commission's recommendations on establishing an expenditure ceiling, shortening the deadlines for submission of financial reports, submitting reports before election day, introducing a short deadline for their publication and introducing proportionate and dissuasive sanctions remain unaddressed.

¹⁷ A candidate can stand simultaneously for parliamentary and local elections.

¹⁸ The November 2018 [non-paper by the European Commission](#) on the state of play regarding chapters 23 and 24 for Serbia mentions the need to amend the LFPA to improve the mechanisms for transparency of financing of political activities.

Parties are financed through donations, membership fees, loans and state funding. The law provides for annual state funding to parties up to 0.105 per cent of the state budget whereas the total amount of campaign funding for registered electoral contestants equals to up to 0.07 per cent of the state budget.¹⁹

In addition to state funding, campaigns are financed from contestants' own funds and donations. The annual individual donations to parties can be up to 20 average monthly salaries, whereas a legal entity may donate up to ten times this amount. The donation limits are doubled in an election year, regardless of the number of electoral contests. Funding from foreign, state, public and anonymous sources as well as from non-profit, charitable organizations and trade unions is prohibited. Donations must be made by bank transfer. There is no spending limit.

The Anti-Corruption Agency is the main supervisory body mandated with the oversight of political finance and misuse of state resources.²⁰ In addition, the State Audit Institution (SAI) oversees the public funds of parties.²¹ Political entities are obliged to submit financial reports to the ACA annually (by 15 April) and within 30 days after the announcement of final elections results. There is no deadline for the ACA to publish the financial reports and no obligation to publish any conclusions. The ACA may request information from political entities and may request statements of transactions using campaign funds. The ACA can issue warnings or initiate misdemeanour or criminal proceedings for possible violations. Sanctions include warnings, suspension of public funding, fines from RSD 200,000 up to RSD 2 million (approximately EUR 1,710 up to EUR 17,100), confiscation of funds and imprisonment.²²

For these elections, the ACA plans to recruit, train and deploy up to 180 observers to collect data on compliance with the legislation on campaign finance. The ACA also informed the ODIHR NAM about plans to organize training sessions for representatives of parties and nominating groups related to campaign finance reporting.

Many ODIHR NAM stakeholders questioned the overall effectiveness of campaign finance legal framework underlining limited nature of the ACA's mandate to proactively investigate and effectively sanction any potential non-transparent activities of contestants in the context of elections.

H. MEDIA

Television serves as the primary source of election-related information, followed by online sources, social media and newspapers. Numerous media outlets compete in a relatively small advertising market. The large part of media income originates in advertising purchases by state-controlled companies most of which, according to ODIHR NAM interlocutors, tend to award the contracts to the media either affiliated with or loyal to the ruling coalition. The majority of ODIHR NAM interlocutors noted that these circumstances limit media pluralism and the independence of editorial policies.²³ Concerns were also expressed with regard to the transparency of media ownership and

¹⁹ Public funding for campaigns is distributed in two installments: 20 per cent is allocated equally to all contestants before the elections. The remaining 80 per cent is allocated after the elections proportionally to the number of seats obtained.

²⁰ In May 2019, the parliament adopted a new Anti-Corruption Law, which expands the competencies of the ACA. The law will enter in force in September 2020. [Transparency Serbia](#) criticised the new law for failing to solve important issues pertaining to political and campaign finance.

²¹ The SAI is not obligated to audit all parties regularly, but has discretionary power to select which parties to audit, based on criteria prescribed by its Rules of Procedure.

²² 1 EUR is approximately 117 Serbian Dinars (RSD).

²³ The [2019 European Commission Progress Report on Serbia](#) concludes that the "overall media environment is still not conducive to the exercise of freedom of expression."

persistent self-censorship in both public and private broadcast and print media.²⁴

The LER defines the basic principles for media conduct during election campaigns. It stipulates the basic principles, including an obligation for the public media to ensure equal reporting about all contestants as well as the right for the citizens to be informed by the mass media about the electoral programmes and activities of the contestants. The Law on Advertising regulates paid political advertising. In addition, the broadcast media regulatory body, the Regulatory Authority of Electronic Media (REM), supplements the legal framework by issuing the Rulebook on Obligations of Media Service Providers during the Election Campaign.²⁵ Many ODIHR NAM interlocutors mentioned the need to comprehensively review the legal framework regulating the media conduct during the elections.²⁶

All broadcast media are obliged to provide information about the contestants in a non-discriminatory, true, objective, complete and timely manner. Public media are also obliged to provide equal airtime to contestants to present their platforms. The public service broadcaster Radio Television of Serbia informed the ODIHR NAM that it would allocate such airtime to each contesting list and implement other election coverage requirements based on specific guidelines that are yet to be developed.

Media representatives noted the complexity of covering the upcoming elections and voiced specific concerns about the safety of journalists, political pressure during the campaign, and limitations to access to information.²⁷ Several interlocutors informed the ODIHR NAM that local media are particularly vulnerable and are allegedly subject to pressure from parties and local authorities. The OSCE Representative on Freedom of the Media (RFOM) on several occasions condemned violence, intimidation and other incidents, including death threats, directed at media professionals.²⁸ Instances of hate speech, sexism and gender stereotyping by media have been mentioned to the ODIHR NAM as potentially affecting women candidates.²⁹

In response to a previous ODIHR recommendation, the REM informed the ODIHR NAM that it will organize a comprehensive monitoring of the broadcast media's conduct during the election campaign and issue regular reports. The Government also addressed a recommendation to the

²⁴ In its concluding observations on the third periodic report of Serbia, the United Nations (UN) Human Rights Committee expressed concern “about allegations of public officials publicly vilifying and intimidating media workers and about the narrowing space for debate, in particular through the prosecution of journalists and members of civil society for expressing their opinions.”

²⁵ At the time of writing, the REM published the draft Rulebook for public consultations. The draft text prompted criticism by some media professionals due to introduction of principles of “of proportional equality” and of the “alignment of programme with the importance of political parties/candidates”, notions not supported by the legislation in force.

²⁶ A new Media Strategy, a policy document aimed at improving the media environment, has not yet been adopted.

²⁷ According to the Commissioner for Access to Information of Public Importance, in some cases public authorities do not comply with the obligation to provide data in response to the citizens' requests for information, opting on many occasions to paying fines, while this does not relieve them of the obligation to provide information.

²⁸ See [OSCE RFoM statements](#) on Serbia.

²⁹ In the concluding observations of the UN Committee on the Elimination of Discrimination against Women [on the fourth periodic report of Serbia](#) (14 march 2019), the Committee recommended “to take measures to combat the anti-gender discourse, to monitor the use of misogynistic language referring to women in public statements and media reporting, and ensure that women's rights activists are able to exercise their rights to freedom of expression, assembly and association without intimidation or reprisals.”

parliament calling for establishment of a Supervisory Board, as required by the LER, to oversee media campaign coverage, and fill in the vacant REM posts.³⁰

I. COMPLAINTS AND APPEALS

The right to seek legal redress is granted to voters, candidates and submitters of candidate lists. Complaints against decisions, acts or omissions of PBs are filed with the REC. Complaints against REC decisions are filed with the REC with appeals possible with the Administrative Court that has final jurisdiction. A complaint shall be filed with the REC within 24 hours of the decision or the irregularity. The REC must decide on a complaint within 48 hours. If a complaint is upheld, the relevant decision or act is annulled. If the REC fails to review a complaint within the legal timeframe, the complaint is considered upheld. Appeals against REC decisions are lodged with the Administrative Court within 48 hours of the receipt of the decision. If the Administrative Court upholds an appeal and annuls an election, the election shall be repeated within 10 days. Electoral disputes may also be brought before the Constitutional Court when all other legal remedies have been exhausted. There are no election-related deadlines. The Constitutional Court is empowered to annul elections if it finds irregularities that may have influenced the result.

In addition, the LER stipulates that a Supervisory Board monitors the election-related activities of political parties, candidates and mass media and identifies irregularities.³¹ Complaints on campaign finance irregularities and the misuse of administrative resources may be filed with the ACA. The police, the Prosecutor, the Ombudsman and the Commissioner for Personal Data Protection may also deal with election-related cases *ex officio* or upon a complaint.

J. 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, the rights to elect and to be elected. According to the 2011 census, there are around 20 ethnic minorities in Serbia, the largest being Hungarians (3.53 per cent), Roma (2.05 per cent) and Bosniaks (2.02 per cent).

The 2009 Law on Political Parties contains provisions promoting participation of national minorities in public life. While 10,000 signatures are required to register a political party, a national minority can register a party with 1,000 signatures.³² However, minority parties require the same 10,000 signatures as other parties to submit their candidate lists. While some minority parties complained about this, others stated that they had no problem with the requirement. The REC has the authority to grant minority status to candidate lists.

Addressing the long-standing concerns regarding the transliteration of ethnic minority names, the MPALSG informed the ODIHR NAM that the name and surname of a voter who is a member of a national minority is recorded in the UVR first in Cyrillic letters based on the Serbian spelling and followed by the script and spelling in the language of the relevant national minority.

³⁰ Despite explicit requirement in the LER, the Supervisory Board was established once in 2000.

³¹ The Supervisory Board must be appointed by the parliament and may issue warnings to political parties, administration, candidates and media concerning their election-related activities and may suggest measures to media for ensuring equal conditions among contestants.

³² Out of over 100 registered political parties, some 60 represent national minorities.

K. ELECTION OBSERVATION

The LER lacks provisions for domestic and international election observation, despite previous ODIHR recommendations. However, similar to previous practice, the REC plans to adopt specific instructions providing for accreditation of domestic and international observers. The regulation is expected to set deadlines for accreditation and limit the number of citizen observers to one observer per organization per polling station at a time. To be eligible to observe the elections, the goals and objectives of civil society organizations must lie within the election sphere. In addition, registered candidates through their nominating entities may appoint authorized representatives to each election administration body. All political parties that the ODIHR NAM met with noted that they intend to deploy their representatives to most polling stations.

Citizen observer groups met with by the ODIHR NAM informed that they intend to actively observe throughout the entire process, including on election day. However, most organizations stated that a lack of financial resources would likely restrict the scope of their activities. Several civil society organizations are actively involved in media and campaign finance monitoring.

IV. CONCLUSIONS AND RECOMMENDATIONS

All ODIHR NAM interlocutors noted the value that the presence of an ODIHR observation activity could bring in terms of enhancing public confidence and improving the electoral process. The majority of ODIHR NAM interlocutors underscored the need for the deployment of a full-scale ODIHR election observation mission and welcomed any recommendations that a mission may make for potential improvement of the process, including under the auspices of the interagency Working Group that intends to continue its work. Many viewed the ODIHR observation activity as a means to promote confidence in the electoral process.

In considering an observation activity, the OSCE/ODIHR NAM has taken into account the various findings outlined in this report and the concerns expressed by stakeholders. These include issues related to the confidence in the conduct of election day procedures, accuracy of the voter register, conduct of the campaign, especially with regard to possible voter intimidation and the potential misuse of state resources. Most previous ODIHR recommendations remain unaddressed, and specific aspects that could merit attention by an ODIHR election observation activity include the conduct of the campaign, campaign finance and media coverage. Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the upcoming parliamentary elections. In addition to a core team of analysts, ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the electoral process countrywide as well as 200 short-term observers for the observation of election day procedures. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Veljko Odalović, Secretary General
Nikola Ratković, Head of the OSCE and CO Department
Marko Brkić, Counsellor

Ministry of Public Administration and Local Self-Government

Branko Ružić, Minister
Marina Dražić, Assistant Minister

Ministry of Culture and Information

Aleksandar Gajović, State Secretary

Ministry of Justice

Radomir Ilić, State Secretary
Dejan Carević, Director of the Administration for the Enforcement of Penal Sanctions

Working group for co-operation with ODIHR

Dejan Djurdjevic, Director of the Republican Secretariat for Legislation

Republic Election Commission

Vladimir Dimitrijević, President
Vesna Mizdrak, Member
Vladimir Šutić, Deputy, Statistical Office of the Republic of Serbia
Milan Čuljković, Counsellor

Administrative Court

Jelena Ivanović, President,
Danijela Dupor, Secretary General
Ivana Kovačević, Advisor
Milka Babić, Spokesperson

Anti-Corruption Agency

Dragan Sikimić, Director
Ivana Cvetković, Acting Assistant Director
Katarina Pavičić, Acting Assistant Director

Office of the Ombudsman

Marija Podunavac, Chief of Cabinet
Jablanka Tabaš, Acting Assistant Secretary General
Tatjana Rakić, Senior Advisor, Media Department

Regulatory Authority for Electronic Media

Goran Petrović, Deputy Chair
Olivera Zekić, Member
Rajka Galin Čertić, Director
Radoje Kujović, Member
Đorđe Vozarević, Member

Media

Dragan Bujošević, Director
Nenad Stefanović, Editor in chief

Bojan Brkić, Deputy Editor-in-Chief, Radio and Television of Serbia
Jugoslav Ćosić, Programme Director, N1

Commissioner for Equality

Mirjana Kecman, Deputy Commissioner
Tatjana Prljčić, Counsellor

Commissioner for Information of Public Importance and Personal Data Protection

Milan Marinović, Commissioner,
Nevena Ružić, Deputy Secretary General
Aleksandar Resanović, Deputy Secretary General
Zlatko Petrović, Deputy Secretary General

Political Parties

Ahmedin Škrijelj, Secretary general, Party of Democratic Action
Mirza Hajdinović, Member of the Executive Board, Party of Democratic Action
Muamer Zukorlić, President, Party of Freedom and Reconciliation
Edin Đerlek, Secretary general, Party of Freedom and Reconciliation
Shaip Kamberi, President, Party of Democratic Action
Marko Đurišić, MP, Social-Democratic Party
Zoran Živković, New Party
Nikola Jovanović, Vice-President, People's Party
Natan Albahari, International Secretary, Movement of Free Citizens
Vladimir Orlić, MP, Serbian Progressive Party
Dejan Djurdjevic, Member of the Presidency
Vladanka Malovic, Member of the Presidency
Natasa Gaceša, Head of International Relations, Socialist Party of Serbia

Civil Society

Ivo Colovic, Director of Operations, Center for Free Elections and Democracy (CeSID)
Emilija Orestijević, Center for Free Elections and Democracy (CeSID)
Tamara Branković, Head of Research, Center for Research, Transparency and Accountability (CRTA)
Zlata Đorđević, Transparency – Serbia
Dobrica Veselinović, Do not Drawn Belgrade Movement
Biljana Đorđević, Do not Drawn Belgrade Movement
Miodrag Milosavljevic, Programmatic Director, Open Society Foundation
Saša Mirković, Association of Independent Electronic Media
Tanja Maksić, Association of Online Media
Norbert Šinković, Independent Journalists' Association of Vojvodina
Dragana Pejović, Association of Journalists of Serbia
Biljana Stepanov, Centre for Support of Women
Marija Srđić, Akademija zenskog liderstva
Sofija Mandić, Women's Platform for Development of Serbia

International Community

H.E. Ambassador Andrea Orizio, Head of Mission, OSCE Mission to Serbia
Noora Häyrynen, Head of Political Section, EU Delegation to Serbia

Diplomatic Community

Representatives of Embassies of OSCE Participating States
Council of Europe Office in Belgrade