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## INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Serbia – Presidential and Early Parliamentary Elections, 3 April 2022

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

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#### PRELIMINARY CONCLUSIONS

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The 3 April presidential and early parliamentary elections presented diverse political options but a number of shortcomings resulted in an uneven playing field, favouring the incumbents. While fundamental freedoms were largely respected during the campaign, the combined impact of unbalanced access to media, undue pressure on public sector employees to support the incumbents, significant campaign finance disparities and misuse of administrative resources, led to unequal conditions for contestants. Recent legislative changes adopted following extensive discussions among the ruling parties and some of the opposition, included some welcome improvements but key aspects of the electoral process require further reform and implementation. While media covered all electoral contestants, most public and private broadcasters with national coverage favoured the incumbent president and the ruling coalition, limiting the opportunity of voters to make fully informed choices. Election day was smoothly conducted and peaceful overall but, despite solid preparations, was marked by a number of systematic procedural deficiencies related to polling station layout, overcrowding, breaches in secrecy of the vote and numerous instances of family voting.

On 15 February 2022, the president dissolved the parliament and set early parliamentary elections for 3 April. On 2 March the speaker of the parliament called the regularly scheduled presidential election. The concurrent elections took place against the backdrop of intense polarization between the ruling coalition and opposition parties, which had been reflected in an opposition boycott of the 2020 parliamentary elections and numerous citizens' protests expressing dissatisfaction between July 2020 and January 2022. In the months leading up to the elections, extensive consultations took place resulting in a political agreement between the government and some opposition parties to amend the electoral legal framework.

The legal framework overall provides an adequate basis for the conduct of democratic elections, but effective implementation and a number of additional measures are indispensable to fully ensure a level playing field. The February 2022 legislative changes only for these elections enhanced the representation of the opposition in election commissions and the transparency of their work; extended the timeframes and legal standing for dispute resolution; enhanced the regulation of political party and campaign finance; provided for post-election audits of election material and established a Temporary Supervisory Authority (TSA) to supervise the media coverage of the campaign. Positively, these changes addressed some prior recommendations; however, a number of longstanding ODIHR and the Council of Europe's Venice Commission recommendations remain to be addressed, including those pertaining to key aspects of the electoral process, such as access to media, campaign finance and measures to tackle pressure on voters and the public scrutiny and audit of voter lists.

The election administration carried out its duties efficiently and within the legal deadlines, despite the parallel conduct of two national elections. For these elections, all election commissions included representatives of the non-parliamentary opposition. The International Election Observation Mission (IEOM) interlocutors expressed varying levels of confidence in the election administration bodies with some noting concerns related to technical capacity of lower-level commissions to cope with new responsibilities and their potential susceptibility to political influence on election day. Some contestants reported difficulties in appointing their representatives to the extended compositions of the polling boards (PB). The Republic Electoral Commission (REC) held regular sessions open to observers. While most decisions were adopted unanimously, some REC members from the opposition asserted a lack of

internal communication within the commission. Decisions and instructions adopted by the REC and Local Electoral Commissions (LEC) were published online within the 24-hour deadline, enhancing transparency. In line with the law, the training for PB members was not mandatory; the quality of sessions varied, with some trainers not providing sufficient opportunity for questions and comprehensive clarifications.

The final voter lists contained 6,502,307 registered voters. Despite previous efforts to remove obsolete entries from the voter register, many interlocutors raised concerns regarding its accuracy, particularly drawing attention to the continued presence of entries of deceased persons. Voters whose permanent addresses are removed from the register of permanent residence of citizens for any reason are automatically removed from the voter register, which may have led to some voters being unduly disenfranchised. Voters had ample opportunity to check their voter list entries, including online, and request corrections. By a decision of 18 November, the government established an interparty working group to scrutinize the Unified Voter Register (UVR); the working group failed to conduct meaningful scrutiny and planned audit of the UVR prior to these elections due to lack of clear mandate and resources. On 18 March, precinct voter lists were made accessible for scrutiny online.

In a generally inclusive process, the REC registered 8 presidential candidates, among them 3 women, and 19 parliamentary lists totalling 2,912 candidates; 42 per cent of parliamentary candidates were women, including in winnable positions. Some contestants alleged difficulties accessing services to notarize support signatures, claiming political bias. Four requests to register national minority lists were initially rejected by the REC for not being supported by the required numbers of support signatures or because it found that lists contained candidates not present on the special voter registers to elect National Minority Councils; the Administrative Court overturned the rejection of one of these lists.

During the campaign period, fundamental freedoms were largely respected, but some key challenges limited the ability of voters to make an informed choice free from pressure or inducement. The IEOM observers received reports of pressure on public sector employees to support the incumbent president and the ruling coalition and misuse of administrative resources by state and municipal actors, contrary to OSCE commitments and Venice Commission standards. Many IEOM interlocutors described what they perceive as excessive budgetary allocations to different categories of voters prior to elections. The campaign was generally low-key, conducted mostly through smaller gatherings and online. The war caused by the Russian Federation's invasion of Ukraine largely overshadowed the campaign, especially early on, and shifted the public discourse to European security developments and their impact on Serbia. Party platforms and campaign messages rarely addressed issues related to gender equality.

The transparency and effectiveness of the campaign finance framework is limited. The February 2022 legislative changes addressed prior recommendations related to donation limits and interim reporting, but left some previous ODIHR and Venice Commission recommendations unaddressed, including those pertaining to a campaign expenditure limit and improvement of the oversight mechanism. Many IEOM political party interlocutors raised concerns that the late disbursement of public funds for the campaign undermined the possibility of effective campaigning. Opposition parties asserted that the newly introduced tax audit of donors to political parties discouraged donors from financially supporting their campaigns. The Anti-Corruption Agency (ACA) did not effectively respond to potential violations; most of its decisions on complaints were not duly substantiated, while some rejections were adopted in a format that prevented appeals.

Most opposition representatives highlighted their general long-standing lack of access to the national public and private broadcasters and many journalists acknowledged prevailing self-censorship and noted a climate of vilification of journalists. The majority of national media outlets favoured the incumbent president and the ruling parties. While during the campaign the public broadcasters covered

campaign activities of all election contestants in line with the law, they provided uncritical news coverage to some candidates in their capacities as state officials, in particular the president, who also benefitted from extensive presentation on private TV channels with national reach. Despite its regulatory role, the Electronic Media Regulatory Authority (REM) did not address these issues. The effectiveness of the newly established TSA, which included representatives of the non-parliamentary opposition and the REM, and was tasked with oversight of media compliance, was significantly undermined by its lack of enforcement powers.

Submitters of candidate lists, political parties, candidates, parliamentary groups and voters are entitled to file complaints against decisions, actions and omissions of the election administration as well as other election violations. The February 2022 legislative changes addressed a number of previous ODIHR and Venice Commission recommendations including extending the list of those with legal standing and the timeframes for filing and reviewing complaints, prescribing deadlines to publish related decisions within 24 hours and enhancing dispute resolution after election day. During the campaign, the REC received eight complaints, mainly on candidate registration, and the Administrative Court adjudicated seven appeals, upholding the REC decisions in all but one case.

The legislation contains special measures for promoting national minority participation in public life, including providing preferential criteria to register political parties and candidate lists that represent national minorities; five parties and three coalitions registered candidate lists with a national minority status. In line with the law, the REC prepared voter education and election material in all municipalities where national minority languages are in official use.

Election day was calm and peaceful overall, with some incidents. Voting procedures were generally followed but the process was marked by overcrowding, insufficient understanding of the procedures by PB members and frequent instances of family voting. The secrecy of the vote was compromised in a significant number of polling stations, due to inadequate layout or inappropriate positioning of voting screens and voters not folding their ballots. Instances of unauthorized persons keeping track of voters, voters taking pictures of their ballot and same persons assisting multiple voters when voting were observed in some polling stations. The vote count was conducted efficiently, but its transparency was often undermined by rushed or concurrently conducted procedures and overcrowding. While the REC published turnout figures throughout the day, it failed to announce any figures following the closing of the polls. President Vučić claimed victory on election night, based on unofficial data.

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## **PRELIMINARY FINDINGS**

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### **Background**

On 15 February 2022, the president dissolved the parliament and set early parliamentary elections for 3 April. On 2 March the speaker of the parliament called the regularly scheduled presidential election.<sup>1</sup> In the months leading up to the elections, extensive consultations took place resulting in a political agreement between the government and some opposition parties to amend the electoral legal framework.

The political landscape is dominated by the Serbian Progressive Party (SNS) and its leader, the incumbent president Aleksandar Vučić. In 2017, then Prime Minister Vučić, nominated by SNS, won the presidential election. 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 a lack of

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<sup>1</sup> On the same day, local elections were also held in 14 municipalities, including Belgrade.

conditions for holding democratic elections and limited media freedoms. The parties belonging to the ruling coalition obtained 231 of the 250 parliamentary mandates.<sup>2</sup>

The presidential and early parliamentary elections took place amid strong polarization between the ruling parties and the opposition and in an environment in which numerous citizens' protests occurred between July 2020 and January 2022.<sup>3</sup> Between September and December 2021, prolonged street protests took place across the country, related to environmental issues and the adoption of the Law on Expropriation and the Law on the Referendum and the People's Initiative.<sup>4</sup>

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. 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. 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.<sup>5</sup>

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. However, women remain generally underrepresented in elected and appointed offices, especially at the local level.<sup>6</sup>

## **Electoral System and Legal Framework**

The president is directly elected for a five-year term from a single nationwide constituency. A candidate needs a majority of the votes cast to be elected; if this is not achieved, a second round is organized between the two leading candidates 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 at least three per cent of the votes cast. Lists representing national minorities are exempt from the threshold requirement.

The election-related legal framework consists of 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 decisions and instructions of the Republic Electoral Commission (REC).<sup>7</sup> After wide-ranging inter-party consultations, several aspects of the legal framework were significantly revised on

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<sup>2</sup> 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.

<sup>3</sup> Some of the July 2020 protests over the government's handling of the COVID-19 pandemic were violent; several opposition parties and civil society organizations alleged police violence against the demonstrators.

<sup>4</sup> On 8 December, law on expropriation was withdrawn from parliamentary procedure. On 11 November 2021, the amendments to the Law on Referendum removed the 50 per cent turnout requirement.

<sup>5</sup> 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" option won 60.48 per cent of votes with the voter turnout of 30.6 per cent.

<sup>6</sup> 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](#), in 22 of 169 local governments, women were mayors or presidents.

<sup>7</sup> 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.

4 February 2022, by passing new laws but largely based on the existing laws.<sup>8</sup> Addressing some prior ODIHR recommendations, changes enhanced the representation of the opposition in election commissions for these elections and enhanced the transparency of their work; extended the timeframes and legal standing for dispute resolution; enhanced the transparency and disclosure of political party and campaign finance; provided for post-election audits of the voter lists and scrutiny of election material and changed some regulations on the media coverage of the campaign and the media oversight mechanism.

The legal framework overall provides an adequate basis for the conduct of democratic elections, but effective implementation and a number of additional measures are indispensable to fully ensure a level playing field. 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), measures aimed at tackling the misuse of administrative resources and pressure on voters and public scrutiny and audit of voter lists. Some gaps, inconsistencies and ambiguous provisions remain in the legislation.<sup>9</sup> While some IEOM interlocutors welcomed the February 2022 legislative changes as an improvement, most civil society and opposition considered that these changes and their implementation fail to address systemic challenges to the integrity of the elections.

### **Election Administration**

The elections were administered by a three-tiered structure led by the Republic Electoral Commission (REC) and comprising 166 local electoral commissions (LECs) and 8,267 polling boards (PBs).<sup>10</sup> Commission members were nominated by political parties in proportion to their representation in the parliament or local assemblies.<sup>11</sup> For these elections, the composition of all commissions was altered to provide for temporary representation of the non-parliamentary opposition.<sup>12</sup> Despite the compressed timeframe for holding two national electoral contests in parallel, the election administration carried out its duties efficiently and within the legal deadlines.

The REC, a permanent body, consists of 23 permanent members, including the chairperson. Its current composition was nominated in October 2020 and amended in November 2021.<sup>13</sup> The extended composition of the REC, which in addition to permanent members includes representatives of the electoral contestants, comprises 88 members or substitutes; of them, 34 (39 per cent) are women. The REC held regular sessions, which were open to the media and observers and streamed online. Some

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<sup>8</sup> On 4 February 2022, the parliament adopted the new election law, the PEL, the Law on Local Elections and the LFPA. Amendments were also introduced to the LPC, the Law on Electronic Media and the Law on Public Information and Media.

<sup>9</sup> Inconsistencies and gaps remain in the regulation of campaign deadlines, recounts and verification of election material, regulation of voter registration, misuse of administrative resources and office, missing definitions and broadly formulated provisions in the anti-corruption and personal data protection frameworks, verification of finance reports, scope and initiation of additional control procedures.

<sup>10</sup> Special polling stations were established in 29 penal and detention facilities. Out-of-country voting was conducted in 77 PSs established in diplomatic representations in 34 countries.

<sup>11</sup> REC members are nominated by parliamentary groups in proportion to their representation. LECs have 7 to 13 members, appointed in proportion to their representation in local assemblies. PBs comprise three members, proposed by the parliamentary groups. For the electoral period, each presidential and parliamentary contestant can appoint a member to the extended composition of all election commissions.

<sup>12</sup> In line with Article 35 of the PEL and Article 179 of the election law, six additional members were appointed to the REC at the proposal of the speaker of the parliament from non-parliamentary political parties. The permanent membership of LECs and PBs was increased by one member each.

<sup>13</sup> The current REC was appointed with 17 regular members. In November 2021, as a result of a political agreement, the parliament complemented the REC with 6 members representing the non-parliamentary opposition. Of the current 23 permanent REC members, SNS 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).

REC members noted that not all background material necessary for meaningful discussions was timely shared before sessions. The REC held regular sessions open to observers. While most decisions were adopted unanimously, some REC members from the opposition asserted a lack of internal communication within the commission.<sup>14</sup> As prescribed by law, decisions and instructions adopted by the REC and LECs were published online within 24 hours, enhancing the transparency of the process.

All LECs and PBs were appointed within the legal deadlines.<sup>15</sup> In most LECs observed by the ODIHR EOM, the technical and administrative preparations were managed in a transparent and professional manner, but some LECs claimed to have received information from the REC late on certain issues, including on training of PB members. Women accounted for 41 per cent of the permanent compositions of the LECs and presided over 67 commissions (40 per cent). Some contestants reported difficulties in appointing their representatives to the extended compositions of the LECs and PBs.<sup>16</sup> Several IEOM opposition and civil society interlocutors raised concerns about the technical capacity of the LECs with regard to new responsibilities, such as the post-electoral audit of election material.

The REC formed 5 LECs and 46 PBs for voters residing in Kosovo.<sup>17</sup> Due to inability to form polling stations in municipalities of voters' residence, polling stations were set up in municipalities of Bujanovac, Kuršumlija, Raška, and Tutin.<sup>18</sup>

The REC developed a hybrid online and in-person training programme for lower-level commissions, focusing on election day procedures, determination of election results and adjudication of complaints. In line with the legal provisions, participation in training sessions was not mandatory for PB members. The quality of training sessions varied, with some trainers not providing sufficient opportunity for questions and comprehensive clarifications. Upon request, some LECs conducted training sessions in minority languages. Most political parties organized training for the PB members nominated by them.

Voter education efforts by the REC were very limited, visible primarily on its website, social networks and, to a limited extent, in the broadcast and online media. Some civil society organizations, most notably Center for Research, Transparency and Accountability (CRTA), posted voter educational material on billboards and in media platforms focusing primarily on raising awareness of electoral offences and the right to vote in secret.

While the election law requires polling stations to be accessible for voters with physical disabilities, interlocutors from among organizations representing persons with disabilities pointed out to the IEOM a long-standing issue of lack of inclusion in the electoral process for persons with various types of disabilities.<sup>19</sup> Most voter education and election material, including ballot papers and polling booths, with the exception of the REC website and some voter information videos supported by sign language interpretation, were not adapted for voters with visual, hearing or cognitive impairments.

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<sup>14</sup> In sessions held on 28 and 30 March, three REC members requested clarification on actions taken by the REC chairperson on behalf of the commission, specifically the request sent to the municipality of Novi Beograd with regard to authenticity of support signatures and an open letter sent to the president of the European Commission, addressing accusations of electoral fraud voiced by some civil society organizations and academia. The opposition REC members asserted that any such action should have been previously discussed during a REC session.

<sup>15</sup> By law, LECs were appointed by the respective local assembly by 15 February, while PBs were appointed by LECs by 23 March.

<sup>16</sup> Contestants from among several opposition and minority parties in 43 municipalities informed the ODIHR EOM observers of difficulties to appoint PB members, citing insufficient capacity to recruit them and low remuneration. According to SPP in Kragujevac, the fear of potential repercussions resulted in some of their appointees resigning from the PBs.

<sup>17</sup> All references to Kosovo, whether to the territory, institutions or population, should be understood in line with [United Nations Security Council Resolution 1244/99](#).

<sup>18</sup> PBs designated for administering the vote for voters residing in Kosovo were set up by 30 March.

<sup>19</sup> The REC informed the ODIHR EOM that it does not maintain aggregated data on polling station accessibility.



## 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 disenfranchisement of citizens based on intellectual and psychosocial disabilities is at odds with international standards and a previous ODIHR recommendation.<sup>20</sup>

Voter registration is passive. The Unified Voter Register (UVR) is a permanent database maintained electronically by the Ministry of Public Administration and Local Self-Government (MPALSG) and updated on the basis of municipal records, input by other state institutions, and voters' requests for corrections. While the election law does not prescribe a permanent address as a prerequisite for electoral rights, inclusion in the UVR is in practice based on voters' permanent residence in the country. Voters whose permanent addresses are removed from the register of permanent residence of citizens for any reason are automatically removed from the UVR.<sup>21</sup> In some cases, this may lead to voters being unduly disenfranchised.<sup>22</sup> The Ministry of Interior (MoI) informed the ODIHR EOM that, since 2011, a total of 43,907 entries of citizens' permanent residence have been deregistered, through a procedure in which police established that those citizens do not reside at those addresses. Some IEOM interlocutors raised concerns about the accuracy of the UVR and many drew attention to the continued presence of entries of deceased persons.<sup>23</sup>

Voters could inspect their entries at local administration premises or online and request corrections between 16 February and 30 March. On 18 March, according to the MPALSG, precinct voter lists were made accessible for scrutiny online.<sup>24</sup> Voters were entitled to request inclusion in the voter list at their temporary residence and abroad by 12 March. Special voter lists were compiled for military voters, detainees and prisoners.<sup>25</sup> Voters could request mobile voting due to illness, age or disability at their respective LEC or PB, without providing a justification, until 11 am on election day. On 1 April, the REC published the final number of registered voters 6,502,307. In line with a previous ODIHR recommendation, the number of registered voters per municipality has been made public quarterly since October 2021.

By a decision of 18 November 2021, the government established an interparty working group to scrutinize the UVR. Some members of the group informed the ODIHR EOM that the limited mandate of the entity did not provide a clear objective, timeframe, and conditions for meaningful scrutiny. Some

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<sup>20</sup> See Article 12 and Article 29 of the 2006 Convention on the Rights of Persons with Disabilities ([CRPD](#)). Paragraph 9.4 of the 2013 CRPD Committee's [Communication No. 4/2011](#) states that "an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention".

<sup>21</sup> Internally displaced persons are registered according to their temporary address. Persons without a permanent address, such as homeless or those living in informal settlements, are registered at social welfare centres. Some ODIHR EOM interlocutors reported that this practice is not applied uniformly.

<sup>22</sup> Some representatives of Albanian minority raised concerns to the ODIHR EOM that a number of residential addresses of citizens *de facto* residing in southern Serbia had been deactivated over the last decade.

<sup>23</sup> In Niš and Zrenjanin, ODIHR EOM observers were shown several voter invitations sent to addresses where those voters did not reside, according to other citizens who actually reside there. One week prior to election day, several media circulated reports on allegedly significant number of voter invitations sent to deceased persons and persons not residing at the respective addresses.

<sup>24</sup> Information includes names, surnames and precinct locations. Prior to 18 March, voters could check entries of voters registered in the same precinct.

<sup>25</sup> According to the REC, 7,874 voters registered to vote according to their temporary address and 38,870 abroad; 8,137 detainees and prisoners were added to special voter lists.

opposition representatives stepped down from the working group before election day, citing a lack of clear mandate and resources.

## Registration of Candidates and Candidate Lists

Citizens eligible to vote may stand for president or member of parliament, without any additional eligibility requirements. Political parties, pre-electoral coalitions and *ad hoc* groups of at least ten voters could register presidential candidates and parliamentary candidate lists with the REC, supported by 10,000 signatures from voters (5,000 for lists representing national minorities). Two of each five consecutive candidates on each list must belong to the less represented gender; all candidate lists satisfied this legal requirement.

The candidate registration period for the early parliamentary and presidential elections started with the call of the corresponding elections, respectively, on 15 February and 2 March and ended on 13 March. By law, certification of signatures can be conducted by public notaries, municipal administration and courts. However, many ODIHR EOM interlocutors pointed out limited access to these agencies, asserting that notaries were only available for other contestants after providing this service to candidates of the ruling coalition.<sup>26</sup> Contrary to international good practice and previous ODIHR and Venice Commission recommendations, a voter may sign in support of only one presidential candidate and one parliamentary candidate list.<sup>27</sup>

Overall, candidate registration was inclusive. The REC registered 8 presidential candidates and 19 parliamentary candidate lists. Four requests to register parliamentary candidate lists, with a status of national minority list, were rejected for not being supported by the required numbers of support signatures. The REC's decision on the rejection of the coalition Russian Minority Alliance (RMS) was appealed and overturned by the Administrative Court, and the REC subsequently registered the coalition.<sup>28</sup> Three of the 8 presidential candidates were women. A total of 2,912 parliamentary candidates nominated by 7 political parties, 10 coalitions and 2 groups of voters registered to contest the early parliamentary elections; 1,229 (42 per cent) were women. Women headed 4 (22 per cent) of the candidate lists.

## Campaign Environment

The election campaigns officially started with the call of the respective elections and ended on 31 March at midnight. While fundamental freedoms in the campaign were broadly respected, some challenges limited the ability of voters to make an informed choice free from undue pressure and inducement. Pressure on public sector employees to support the incumbent and the ruling coalition, and misuse of administrative resources by state and municipal actors prior to the elections blurred the

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<sup>26</sup> This was alleged to the ODIHR EOM by some political parties in Kragujevac, Kraljevo, Novi Sad, Sombor, Šabac, and Zrenjanin.

<sup>27</sup> Paragraph 96 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that "it should be possible to support the registration of more than one party".

<sup>28</sup> The REC argued that the majority of RMS candidates were not registered in the special voter register used for elections of national minority councils. Two candidate lists submitters, the Russian Party and the RMS, challenged the decision on the rejection of their candidatures. Both complaints were rejected by the REC, on 18 and 19 March, respectively. The RMS appealed to the Administrative Court, which on 21 March ruled in the appellant's favour, stating that there was no legal basis for the REC to deny the national minority status based on the verification of entries in the special voter register. According to the REC, several support signatures submitted by the RMS raised concerns about their authenticity, prompting the REC to request the municipal administration of Novi Beograd to confirm the legality of 490 signatures supporting the coalition. On 30 March, upon a request of a REC member from the opposition, the REC chairperson presented the official response received by the REC from Novi Beograd denying the authenticity of the certified statements and stated that any further legal action can be made only by the respective municipality.



line between state and the party, contrary to paragraph 5.4 of the OSCE Copenhagen Document.<sup>29</sup> Many IEOM interlocutor described what they perceive as excessive budgetary allocations and distribution of goods to different categories of voters prior to elections.<sup>30</sup> Many IEOM interlocutors expressed concerns about a narrowing space, intimidation and harassment of civil society organizations.<sup>31</sup>

The campaign was low-key in most regions, except Belgrade, and focused on individual candidates rather than political platforms.<sup>32</sup> Most contestants campaigned through gatherings, door-to-door canvassing, distribution of flyers, posters or billboards, and online. Only SNS and SPS organized large-scale rallies. Campaign platforms focused on the economy, agriculture, foreign investments, cost of living, environmental issues and status of Kosovo. The war caused by the Russian Federation's invasion of Ukraine largely overshadowed the campaign, especially early in the campaign, and shifted the public discourse to European security and its impact on Serbia. With the exception of isolated incidents of violence and hate speech, the campaign period was peaceful.<sup>33</sup> The restrictions on public gatherings due to COVID-19 pandemic did not negatively affect the possibility of campaigning.<sup>34</sup>

Women were active as candidates; however, party platforms and campaign messages rarely addressed issues related to gender equality.<sup>35</sup> Some 74 per cent of the campaign venues were observed to be accessible for persons with disabilities. No presidential candidates or parliamentary contestants had provisions for improvements for persons with disabilities as part of their programmes.

Despite some existing regulation for public officials participating in the campaign, the legislation does not provide sufficient safeguards against the misuse of administrative resources or office during the campaign. The law allows most public officials to engage in public activities, including campaigning, unless it conflicts with their public duties. A large number of public infrastructure projects were announced, initiated or inaugurated during the campaign by the incumbent president or government

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<sup>29</sup> Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for “a clear separation between the State and political parties”. The Guideline 4.2 of the Venice Commission and ODIHR's [Joint Guidelines](#) for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes requires the legal framework to “provide for a clear separation between the exercise of politically sensitive public positions, in particular senior management positions, and candidacy.”

<sup>30</sup> Housing subsidies for women were allocated under a December 2021 government [decision](#); payments to social welfare beneficiaries were foreseen by a January 2022 government [decision](#); monetary disbursements were distributed to young people under a 2022 [law](#) on COVID-19 related extraordinary financial assistance; a EUR 2,500 lump sum payment for new-borns was initiated under a January 2022 government [decision](#). ODIHR LTOs received credible reports from Niš and Mladenovac on goods being distributed in exchange of support for the ruling party.

<sup>31</sup> In 2020, the Ministry of Finance established a list of 37 organizations and 20 individuals subsequently accused of potential involvement in money laundering and financing of terrorism. Among other entities, this action targeted CSOs, human rights organizations and activists, as well as some journalists. 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.”

<sup>32</sup> In Belgrade, opposition parties were more visible on billboards and campaigned actively with stands and through in-person meetings.

<sup>33</sup> Reportedly, on 25 February, in Kula, a *Moramo* candidate was attacked during signature collection; a *Moramo* activist was assaulted by several SNS supporters when he was trying to film the distribution of goods by SNS to citizens in Bečej on 19 March; in Boleč, on 27 March, there were scuffles between SNS and SSP activists. On 28 March, the leader of Party for Democratic Action of Sandžak (SDA) used a derogatory term for LGBT persons.

<sup>34</sup> Most COVID-19 related health measures, including limitations on public gatherings, were lifted on 12 March.

<sup>35</sup> The ODIHR EOM observed a total of 48 campaign events of 33 political parties. About 32 per cent of the campaign attendees and some 29 per cent of the speakers at rallies were women. United for the Victory of Serbia, *Moramo* and SPS addressed in their campaign events issues, such as equal pay, women's access to employment and domestic violence.

representatives who were also candidates.<sup>36</sup> Candidates sometimes failed to distinguish their official functions from political party campaigns, thus attributing government achievements to the ruling coalition. The use of administrative resources gave the ruling coalition a significant advantage of incumbency, benefiting from extensive media coverage and echoed in the social networks (see *Media*).

The IEOM received many credible reports with regard to pressure on voters to support the ruling coalition. Several opposition party representatives, civil society organizations and voters alleged to the IEOM that municipal and public company workers were coerced to vote and mobilize new voters for the ruling coalition, to attend rallies or post comments in support of the coalition on social networks.<sup>37</sup> Some opposition representatives claimed to the IEOM they had a limited access to campaign venues.<sup>38</sup> While voters were generally free to obtain information on all contestants, some opposition representatives informed the IEOM that their supporters feared attending their campaign events or being seen taking their leaflets.<sup>39</sup> The widespread allegations of pressure and intimidation of voters raised concerns about voters' ability to cast their votes free of retribution, contrary to paragraph 7.7 of the 1990 OSCE Copenhagen Document and other international standards.<sup>40</sup>

During the official campaign period, the ODIHR EOM has followed the online activities of 8 presidential and 8 parliamentary candidates and leaders and 38 political parties and coalitions on Facebook and Twitter. Digital campaigning was used particularly by the opposition, to compensate for their limited financial means and limited access to media.<sup>41</sup> Candidates and political parties mainly promoted manifestos and meetings with voters. Representatives of the ruling coalition frequently posted about the inauguration of infrastructure projects and other achievements as public officials. Accounts connected to the ruling party and some opposition representative accounts, such as leaders and candidates of the United for the Victory of Serbia, generated significant engagement with voters. Some ODIHR EOM interlocutors made a credible allegation of an operation of organized groups on social networks, active in promoting ruling party policies and discrediting the opposition, including through the use of disinformation.<sup>42</sup>

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<sup>36</sup> According to the ODIHR EOM media monitoring, between 27 February and 23 March, Mr. Vučić initiated or opened 13 infrastructural projects around the country, including new factories in Kragujevac, Valjevo and Adaševci, opening of the Belgrade–Novi Sad railway and Institute for Cardiovascular Diseases in Belgrade.

<sup>37</sup> The ODIHR EOM received credible reports of public company employees pressured to participate in the campaign of the ruling party and to mobilize voters, including from Belgrade, Čačak, Grocka, Niš, Novi Pazar, Novi Sad, Šabac, Subotica, Užice, Žitorađa and Zrenjanin. Many ODIHR EOM interlocutors highlighted what they described as the particular vulnerability of persons hired on temporary contracts, who perceived that their continued employment was dependent on demonstrating support for the ruling party. According to ODIHR EOM long-term observers, on 26 March, in Užice, attendants of an SNS rally were not allowed to leave the premises during the president's speech.

<sup>38</sup> Representatives of the United for the Victory of Serbia and *Moramo* informed the ODIHR EOM that they were denied the use of public premises by last minute cancelation of their booking in Belgrade, Bor, Kikinda, Pančevo, Vranje and Zaječar.

<sup>39</sup> The ODIHR EOM also received credible reports of citizens visiting opposition party offices or attending opposition campaign events being photographed or filmed and fearing further intimidation from Bor, Novi Pazar, Šabac, Smederevo, Zrenjanin and Vladimirci.

<sup>40</sup> Paragraph 7.7 of the 1990 [OSCE Copenhagen Document](#) requires participating States to “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars [...] candidates from freely presenting their views”. See also Article 3 of Protocol 1 of the European Convention of Human Rights and the guideline I.3.1 of the Venice Commission Code of Good Practice in Electoral Matters, requiring state authorities to have a “duty of neutrality” while, at the same time, a positive obligation to sanction violations of voters' freedom to form an opinion.

<sup>41</sup> Of all party accounts, the SNS had the highest number of likes and views. The social network activity of the candidates varied; leaders of the *Moramo* coalition shared a high number of posts daily (up to ten), while SNS only shared one or two, with the average per party account being two to five.

<sup>42</sup> See also a 2021 [study](#) of the European Parliament on Mapping Fake News and Disinformation in the Western Balkans.

## Campaign Finance

Campaign finance is primarily regulated by the LFPA and the 2019 Law on Prevention of Corruption (last amended in 2022), supplemented by regulations of the Anti-Corruption Agency (ACA). The LFPA adopted in February 2022 addressed several ODIHR and Venice Commission recommendations, including lowering donation limits, introducing interim reporting on donations and expenditures for electoral contestants and establishing ceilings on political party membership fees and loans. Yet, some previous ODIHR and Venice Commission recommendations remain unaddressed, including those pertaining to improvement of the oversight mechanism and introducing a campaign expenditure limit.<sup>43</sup> The remaining shortcomings and limited enforcement diminish the transparency and effectiveness of the campaign finance framework.<sup>44</sup> Most ODIHR EOM interlocutors reported mistrust in the effectiveness of the regulatory system, as currently implemented.

Political entities represented in the parliament are eligible for annual public funding.<sup>45</sup> In addition, public funds are allocated to election campaigns of political entities nominating presidential and parliamentary contestants.<sup>46</sup> In 2022, the total subsidy for campaigns amounts to some RSD 1.8 billion (around EUR 15 million).<sup>47</sup> By law, the first disbursements of public funds for campaigning were made available only nine days before elections. In addition, many representatives of the opposition informed the ODIHR EOM that they had limited opportunities for fundraising, as donors were discouraged from supporting their campaigns due to fear of retribution, while access to loans was limited due to lack of business interests from banks. This, combined with the late disbursement of public funds for campaign further undermines the possibility of effective campaigning and contributes to an uneven playing field, contrary to international good practice.<sup>48</sup>

Contestants may also finance their political activities, including campaigns, from their own funds, monetary and in-kind donations and loans.<sup>49</sup> Donations from anonymous and foreign donors, public contractors, public entities, some civil servants, religious institutions, non-profit organizations, trade unions and through third parties are prohibited. Only four contestants published information on donations.<sup>50</sup> A new provision of the LFPA prescribes that donors of funds and services to political entities are subject to tax control by the Tax Administration. Without clear legal criteria, the selection

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<sup>43</sup> See paragraph 10 of the Joint Venice Commission and ODIHR Opinion on Draft Amendments to the Law on the Financing of Political Parties

<sup>44</sup> The lack of regulation of third-party campaigning could be used to circumvent the law. The broad discretionary powers of the ACA and its director may undermine legal certainty and balanced decision-making. The absence of sanctions for inaccurate reporting limits the effectiveness of oversight.

<sup>45</sup> In 2022, the annual public funding amounted to RSD 1.4 billion (around EUR 12 million).

<sup>46</sup> 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 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's campaign receives the remaining 60 per cent.

<sup>47</sup> 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. Prior to elections, a submitter of a parliamentary list was entitled to approximately RSD 20 million (around EUR 150,000), and a presidential candidate RSD 46 million (EUR 400,000).

<sup>48</sup> Guideline I.2.3.iii of the 2002 Council of Europe's Venice Commission Code of Good Practice in Electoral Matters calls for equality of opportunity in public funding of parties and campaigns.

<sup>49</sup> Donation limits were decreased from 20 to 10 average net monthly salaries for individuals and from 200 to 30 salaries for legal entities; these amounts are doubled in election years, regardless of the number of contests. In 2022, donations may not exceed approximately RSD 1.5 million (around EUR 12,700) and RSD 4.5 million (around EUR 38,000) from individuals and from legal entities, respectively.

<sup>50</sup> To date, SPS reported some EUR 800,000 in individual donations, SSP some EUR 5,500, *Moramo* - EUR 6,500 and EUR 2,500 and *Dveri* some EUR 12,400 and EUR 1,000 for early parliamentary and presidential contests, respectively.

of donors is within the discretion of the ACA, which many opposition representatives alleged may have discouraged potential donors from supporting opposition parties.

The ACA is mandated with the oversight of political finance and prevention of corruption. Pursuant to the February 2022 legislative changes, contestants must submit an interim campaign finance report to the ACA 5 days prior to elections, which is published by the ACA online 3 days after submission.<sup>51</sup> The interim report only covers the period until 15 days prior to elections, which limits transparency and accountability, in particular by leaving the expenditure of public funds unreported. The ACA deployed 130 observers around the country to monitor campaign events and material. The findings of observers were not published, missing an opportunity to increase the transparency of campaign financing.<sup>52</sup>

While the ACA may initiate additional audits, issue warnings, and launch misdemeanour or criminal proceedings *ex officio* or upon complaints, leading to financial sanctions, it did not effectively respond to alleged violations.<sup>53</sup> In the absence of expedited deadlines for complaints, some complaints filed by CSOs on alleged misuse of administrative resources were not reviewed during the campaign.<sup>54</sup> The ACA's decisions on complaints were not legally substantiated; in some cases, the ACA established its decisions based on the explanation of the respondent. Some deliberations on complaints were adopted in the form of conclusions rather than administrative decisions, which did not allow appeals, at odds with the OSCE commitments.<sup>55</sup>

## **Media**

The media environment comprises a large number of outlets. However, access to diverse views is restricted due to the limited reach of media which are not closely associated with the governing parties. Television remains the primary source of political information, followed by social networks and online media. Most dominant private TV channels with national coverage support government policies, which influences the public debate and undermines the media's watchdog role. Most opposition party representatives highlighted their chronic lack of access to the national public and private broadcasters to present their views. Many journalists acknowledged prevailing self-censorship to the IEOM, mainly

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<sup>51</sup> As of 31 March, the ACA published seven interim reports by presidential candidates (Miloš Jovanović, Milica Stamenkovski, and Zdravko Ponoš) and fourteen reports related to parliamentary contest. The scope of disclosure varied, most entities did not report substantial income, except for the SSP, with some EUR 600,000 in individual donations and the ruling coalition that transferred EUR 907,000 and EUR 569,000 for presidential and parliamentary campaigns respectively from the party account. Only SSP and *Moramo* reported in-kind donations. Most contestants reported expenditure exceeding income; primary expenses pertained to production of billboards, TV and online presentations and rallies.

<sup>52</sup> By law, the ACA is required to verify the accuracy of the campaign reports against the documents provided by political parties and their contractors and publish conclusions within 120 days of the deadline for submitting the reports. The findings of campaign observers serve to crosscheck the accuracy of the campaign reports. On 1 April, the ACA stated they initiated five cases on violation of campaign finance regulations based on observer's findings but did not publish any additional information about it.

<sup>53</sup> In the campaign period, the ACA reviewed 15 complaints concerning alleged misuse of administrative resources and public office, all submitted against SNS. In eight cases, no violation was established and four warnings and a fine were issued against the party, whereas no other dissuasive measures were adopted with respect to repeated violations. One complaint alleging misuse of the incumbent president's social media account for campaigning was dismissed.

<sup>54</sup> Of 12 complaints submitted by CRTA and Transparency Serbia alleging misuse of administrative resources by public officials during the campaign, none were decided by the ACA prior to the elections.

<sup>55</sup> At least 9 complaints by CRTA and Transparency Serbia related to alleged misuse of public resources by the president and other governmental officials were dismissed by the ACA with "notifications". Paragraph 5.10 of the 1990 [OSCE Copenhagen Document](#) states that "everyone will have an effective means of redress against administrative decisions", while paragraph 5.11 states that "administrative decisions [...] should be fully justifiable". Guideline C.iii of the 2016 Venice Commission [Rule of Law Checklist](#), requires access to judicial review when "discretionary powers is given to officials", and Guideline C.iv requires public officials to "provide adequate reasons for their decisions" and, for the lack of such reasons, to be grounds for appeal.

due to media outlets' dependence on public funding. While only isolated cases of journalists facing threats or intimidation were alleged to the IEOM during the campaign, many interlocutors noted a climate of vilification of journalists, reinforcing the chilling effect on critical voices.<sup>56</sup> Several journalists reported to the IEOM that access to information from state entities is increasingly difficult.<sup>57</sup>

The law obliges all broadcasters to provide information about contestants in a non-discriminatory and objective manner. The ODIHR EOM media monitoring observed that the national public broadcaster Radio Television of Serbia (RTS) and the provincial Radio Television of Vojvodina (RTV) covered campaign activities of all election contestants in line with the law, and granted them access to special election programmes.<sup>58</sup> In the run up to the elections, public broadcasters provided an opportunity for contestants to participate in debates. However, the uncritical and sometimes extensive news coverage of public officials who were also candidates, president Vučić in particular, was not fully in line with the regulatory framework that prohibits public media from granting such officials a privileged status.<sup>59</sup> Recent legislative changes introduced a ban on the media coverage of opening or inaugurating events of projects of public benefit by state officials, who are also candidates, in a period of 10 days prior to election day. While the provision was respected on most media monitored by the ODIHR EOM, this period is too short to be an effective safeguard of a level playing field.

Most broadcast media presented campaign activities mainly in their regular news programmes, through short clips produced directly by the contestants, lacking any editorial input. Influential private media with national coverage (especially *TV B92* and *RTV Pink*) focused their news coverage on state officials often promoting governmental projects in the campaign period, many of them standing as candidates.<sup>60</sup> Among the news programmes monitored on cable TV networks, most provided mainly positive and neutral coverage of the election contestants and authorities, with *TV Vesti* largely demonstrated a pro-government editorial approach; while *TV Nova S* presented a more critical portrait of the authorities. Most newspapers openly promoted the authorities, whose image was critical only in two out of ten newspapers monitored by the ODIHR EOM.

Some private broadcast media outlets invited the contestants to present their views in interviews or talk shows, in which some participants from the opposition refused to participate, citing an overall bias.<sup>61</sup> The ruling coalition's candidates remained largely absent from cable TV channels with more critical editorial policies, narrowing voters' possibility to compare different views.

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<sup>56</sup> One journalist from a municipality near the capital informed the ODIHR EOM of threats in the run-up to the elections by persons associated with the ruling coalition, in connection with reporting on local affairs.

<sup>57</sup> According to a recent [report](#) by the Belgrade Centre of Human Rights, authorities often disregard or deny requests to access public information, citing confidentiality or privacy violations. In [2021](#), the Commissioner for Information of Public Importance and Personal Data Protection received 5,181 complaints (an increase of 37 per cent compared to 2020), mainly submitted by citizens, lawyers, and CSOs. Journalists and media representatives filed 337 complaints.

<sup>58</sup> The ODIHR EOM was monitoring primetime broadcasts (18:00 - 24:00 hours) of public RTS1 and RTV1 and private TV channels *TV B92*, *Happy TV*, *RTV Pink* and *TV Prva* with national coverage as of 4 March. In addition, main news programmes of cable TV channels *Euronews Serbia*, *Insajder TV*, *TV NI*, *TV Nova S*, *Kurir TV* and *TV Vesti* as well as the front-pages of ten daily newspapers were monitored.

<sup>59</sup> *RTS1* prime-time news programmes allocated 1 hour and 45 minutes to Serbian political actors, approximately 50 per cent of which was devoted directly to President Vučić, who was portrayed in a positive or neutral manner; within the news programmes there were also segments labelled "Elections 2022" which gave approximately 4 hours to the election campaigns of various electoral contestants. Overall, *RTV* presented a similar picture.

<sup>60</sup> *RTV Pink* and *TV B92* showed a clear bias in favour of President Vučić, each devoting approximately 80 per cent of their coverage of Serbian political actors in their regular news programmes to him; the president was portrayed in a positive or neutral light.

<sup>61</sup> Marinika Tepić (lead candidate of United for the Victory of Serbia – UFVS), Boško Obradović (presidential candidate of Patriotic Bloc), Zoran Lutovac (chairman of the Democratic Party, part of UFVS) announced that they would not participate in the *RTV Pink* programmes. Marinika Tepić and Dragan Đilas (UFVS) refused to participate in some election programmes on *Euronews Serbia*.



The Regulatory Authority for Electronic Media (REM) is vested with oversight of the broadcast media and adjudication of media-related complaints. Reflecting concerns of the opposition regarding the impartiality of the existing oversight bodies, in October 2021, a Temporary Supervisory Authority for Media Monitoring during the Election Campaign (TSA) was set up by the government to monitor the media's compliance with campaign regulations.<sup>62</sup> Despite the generally collegial decision-making of the TSA in the pre-campaign period, during the campaign, disagreements between members nominated by the opposition and the REM and the lack of enforcement powers significantly undermined the TSA's effectiveness. The critical issue was the coverage of state officials, which REM's media monitoring reports failed to report on, and the fact that the REM did not address it. The REM remained overall passive in regulating media conduct during the campaign but swiftly reacted to a case of campaign silence breach.<sup>63</sup>

## Complaints and Appeals

Submitters of candidate lists, political parties, candidates, parliamentary groups and voters are entitled to file complaints against decisions, actions and omissions of the election administration as well as other election violations.<sup>64</sup> Prior to election day, complaints could be filed with the REC and the Administrative Court in Belgrade. Complaints on irregularities during voting may be filed with the corresponding LECs. Complaints against the decision of the parliament to confirm the mandates of the new deputies may be filed with the Constitutional Court.

The complaints and appeals mechanism provided for expedited dispute resolution on matters related to the administration of elections. The February 2022 legislative changes addressed a number of previous ODIHR and Venice Commission recommendations to enhance the effectiveness of dispute resolution by extending legal standing to voters registered in a polling station and prolonging the timeframes for filing and reviewing complaints from 24 to 48 and 72 hours, prescribing an obligation for the REC and LECs to publish their decisions within 24 hours and introducing a mechanism for complaints against PB result protocols and LEC decisions on tabulation of results.

Prior to elections, eight complaints were filed with the REC, including five by contestants and three by voters. Of these, five complaints challenged the registration of three candidate lists and a presidential candidate and two complaints were against the denial of registration of a contestant.<sup>65</sup> One complaint challenged an LEC decision to establish several polling stations without REC approval, as required by law.<sup>66</sup> All complaints were reviewed on merits and were rejected by the REC as unsubstantiated, while

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<sup>62</sup> The TSA is composed of six members nominated by the REM, three members proposed by the opposition in the framework of the IPD mediated by the members of the European Parliament 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.

<sup>63</sup> On 1 April, the REM reprimanded *Nova S* for the re-broadcast of an election programme aired the same day, but it did not address other potential instances reported in the media, such as opinion poll results presented on *TV B92's* news programme.

<sup>64</sup> 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.

<sup>65</sup> Namely, 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; against 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; against the registration of the presidential candidate Mr. Vučić, alleging that he lacks legal capacity and against the denial of registration of the Russian Party – Slobodan Nikolić and the RMS, alleging, *inter alia*, that the REC exceeded its powers on the determination of the status of national minority list.

<sup>66</sup> *Moramo* filed a complaint against the LEC Bela Palanka's decision on 24 February 2022, designating 10 polling stations with less than 100 voters.



one was dismissed on technical grounds and one was upheld.<sup>67</sup> The REC reviewed complaints in open sessions, respecting due process. It maintained a publicly available complaints database filed to election commissions and the administrative court, updated in a timely manner and contributing to transparency. All REC decisions were appealed to the Administrative Court. Of them, the court dismissed two on technical grounds;<sup>68</sup> rejected four on merits;<sup>69</sup> and upheld one appeal.<sup>70</sup> The administrative court reviewed all cases in closed sessions, contrary to a previous ODIHR recommendation.<sup>71</sup> (see *Candidate Registration*).

Despite numerous allegations of serious electoral offences, including voter intimidation, misuse of administrative resources and vote-buying, in response to ODIHR EOM's queries, the Prosecutor's Office and the police did not clarify whether they initiated investigations related to these elections. Some ODIHR EOM interlocutors expressed a lack of trust in the ability and will of the prosecutor, law enforcement bodies and courts to impartially and effectively handle such cases.<sup>72</sup>

### **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.<sup>73</sup> The legislation contains special measures for promoting national minority participation in public life, including providing preferential criteria to register political parties.<sup>74</sup> Of the 116 registered political parties, 70 represent national minorities.

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 additional criteria for the REC to determine the national minority status of candidate lists.<sup>75</sup> Notwithstanding these changes, the REC retains broad discretion to deny the national minority status of a list, if it concludes that there the

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<sup>67</sup> In the dismissed case, the personal information of the complainant was incomplete. The REC upheld the complaint by RMS against an LEC decision denying to appoint their PB members.

<sup>68</sup> The court dismissed the appeal on the presidential candidate Mr. Vučić as incomplete and the appeal against the LEC Bela Palanka as filed by an unauthorized person.

<sup>69</sup> The Court rejected the complaints on the registration of the SNS-led, the SPS-led and the Dveri-led lists and the Russian Party – Slobodan Nikolić.

<sup>70</sup> The court overturned the REC denial of registration of the RMS, on the grounds that the REC denial was not factually grounded and legally sound.

<sup>71</sup> Paragraph 12 of the 1990 OSCE Copenhagen Document states that “proceedings may only be held in camera in circumstances prescribed by law and consistent with obligations under international laws and international commitments”. See also paragraph 100 of the 2002 Explanatory Report of Venice Commission's [Code of Good Practice](#), which states that “the appeal procedure should be of a judicial nature, in the sense that the right of the appellants to proceedings in which both parties are heard should be safeguarded.”

<sup>72</sup> See also Serbia 2021 [report](#) by the European Commission which states that “[t]he current legal framework does not provide sufficient guarantees against potential political influence over the judiciary. [...] The current legal framework authorizes the head of every prosecution office to intervene in individual cases. This creates a certain vulnerability for political influence, notably when effective safeguards are not applied in practice.”

<sup>73</sup> 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.

<sup>74</sup> By law, national minorities can register a political party with support of 1,000 certified signatures from voters; other parties require 10,000 signatures.

<sup>75</sup> Namely, a national minority list may be nominated only by a political party of a national minority or a coalition composed exclusively of political parties of national minorities; the REC is mandated to determine whether a list represents a national minority, if the main goal of the list is to represent the interests and protect the rights of national minority members, and it may seek the opinion of the competent national minority council.

submitter has an intention to circumvent the law.<sup>76</sup> Many ODIHR EOM interlocutors, including the REC, stated that provisions for obtaining national minorities status are often misused by political entities that do not belong to minorities for accessing related benefits, including enhanced representation and exemption from the three per cent threshold.<sup>77</sup>

Five parties and three coalitions registered candidate lists with a national minority status, two representing Albanians, two Bosniak, one Hungarian, one Roma, one Russian and one Croat and Ruthenian communities jointly. To ascertain the national minority status of contestants, the REC verified whether individual candidates on the lists had been registered on special voter lists to elect National Minority Councils.<sup>78</sup> This criterion is not prescribed by law and was not applied consistently by the REC.<sup>79</sup> In addition, nominators were not aware of this requirement in advance of candidate registration, undermining legal certainty.

In line with the law, the REC prepared voter education and election material, including ballots, in all municipalities where national minority languages are in official use. Election material in one or more minority languages was available in 44 municipalities.

### **Citizen and International Observers**

Following the February 2022 legislative changes, the law explicitly provides for citizen and international observation and guarantees observers unhindered access to the entire election process, in line with prior ODIHR and Venice Commission recommendations. Civil society organizations registered with a statutory purpose related to elections may nominate observers no later than seven days prior to the elections. CRTA, Center for Free Elections and Democracy (CeSID) and Bureau for Social Research (BIRODI) carried out long-term observation activities across the country, primarily focusing on work of the election administration, electoral campaign and media monitoring.

Citizen observation is restricted to one observer per nominating organization in each election commission. In an overall inclusive process, the REC accredited a total of 4,687 observers from 9 civil society organizations and 531 international observers from 23 organizations. In case of a second round in the presidential election, the law offers the possibility of extending the previous accreditation and accrediting additional observers.

### **Election Day**

Election day was smoothly conducted and peaceful overall; however, several incidents took place, including physical attacks on two candidates and one polling board member.<sup>80</sup> While the REC published

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<sup>76</sup> The REC may deny the status of national minority to a list if any candidates are known to be members of a political party which does not represent a national minority or if other circumstances are established which undoubtedly indicate an intention to circumvent the law.

<sup>77</sup> For the purpose of seat distribution, minority lists that did not exceed 3 per cent of the votes cast are awarded an addition of 35 per cent of the votes they originally received.

<sup>78</sup> The registration on the Special Voter Register of the national minorities, maintained by the Ministry of Human and Minority Rights and Social Dialogue, is optional and does not comprise all members of a national minority.

<sup>79</sup> Applying this criterion, the REC rejected the applications for minority candidate list of the Russian Party – Slobodan Nikolić, the RMS and the National Front – MOST. On the other hand, the REC stated publicly on a session that the candidates on the list of the Roma Party had not been verified.

<sup>80</sup> Media reported that two MP candidates and one PB member from the coalition *Moramo* and United for the Victory of Serbia were assaulted and injured by groups of SNS activists in Belgrade; in Novi Pazar, a fight between PB members prompted the police to intervene and delayed the opening of a polling station. In Čačak, an SNS member of the outgoing parliament reported he was threatened and also claimed to be assaulted at a polling station by an unidentified citizen.

turnout figures throughout the day, it failed to announce any figures following the closing of the polls.<sup>81</sup> President Vučić claimed victory on election night, based on unofficial data.

The opening of polls was assessed positively in 121 of the 137 polling stations observed. Opening procedures were generally followed, although in 21 polling stations, the PB did not properly seal the ballot boxes. In 6 cases, the control sheets were not signed or inserted in the ballot boxes in line with the procedures. Seventy polling stations experienced mostly minor delays in opening for voting.

IEOM observers characterized the voting process as overall well-organized and smooth. However, it was assessed negatively in 11 per cent of the polling stations, which indicated systemic deficiencies related to polling station layout, overcrowding, breaches in secrecy of the vote and family voting. In a few isolated cases, the IEOM observers noted the same persons assisting multiple voters when voting and observed vote buying.

The polling station layout was inadequate in 12 per cent of the 1,411 polling stations where it was observed, mainly due to the small size of voting premises. This, combined with the high number of PB members, intended to increase the transparency, resulted in queuing and overcrowding in some 16 per cent of the observations.<sup>82</sup> In line with the national health protocols, there were no specific COVID-19 related measures in place. IEOM observers reported that some 63 per cent of the polling stations did not provide for independent access for persons with physical disabilities and in 27 per cent, the layout was not suitable for such voters. In total, 46 per cent of the membership of PBs observed by the IEOM were women, including 40 per cent of the chairpersons. Citizen observers monitored the electoral process in some 25 per cent of the observed polling stations, enhancing transparency.

Voting procedures were generally respected; however, insufficient understanding of the procedures by PBs resulted in inconsistent implementation of important safeguards related to the integrity of the process. In 16 per cent of observations, ballot boxes were not properly sealed. In some 10 per cent of the observations, voters' fingers were not always checked for traces of invisible ink. In some 4 per cent of the polling stations, the voters' identity was not always properly checked. Also, voters' fingers were not always inked at the time of voting in 6 per cent of the observations. While PBs must by law inform voters about the voting process and their right to vote in secret, this was not applied in almost half of the polling stations observed. IEOM observers noted instances of family voting in some 20 per cent of the polling stations, potentially impacting independent voting women and elderly voters.

In 28 per cent of the observations, not all voters marked their ballots in secrecy. Secrecy of the vote was compromised by inappropriate positioning of voting screens in 23 per cent of polling stations and by overcrowding or insufficient distance from voters and PB members in 18 per cent. In 11 per cent of the observations, voters did not fold the ballots before casting them. In 2 per cent of the observed polling stations (27 cases), persons other than the designated PB member were keeping track of who voted. IEOM observers noted voters taking pictures of their ballot in some 2 per cent of the polling stations (30 cases). PB members or party supporters were seen to influence the will of voters in a few isolated cases.

Vote count was assessed overall positively in 96 of 121 of the polling stations visited by the IEOM. In some cases, in their effort to speed up the vote count, PBs omitted important procedural steps put in place to safeguard the integrity of the process. PBs did not determine the number of voters who signed the voter list before opening the ballot box (20 observations), did not respect the legally required order of elections counted (28 observations), and opened the ballot boxes and other materials of the presidential contest before finishing the vote count of the parliamentary race (21 cases).

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<sup>81</sup> At a press conference at 19:00, the REC announced the turnout at 18:00 to be 50.82 per cent. By law, REC has 24 hours to determine the preliminary results.

<sup>82</sup> This was noted as a particularly acute problem at polling stations set up for voters residing in Kosovo.

In 28 observations, the transparency during the vote count was undermined by rushed or concurrently conducted procedures and overcrowding, limiting the possibility for all present to properly see the marking on each ballot. In 34 cases, PBs had difficulties to reconcile the results; in 16 cases, the results did not reconcile. In 17 polling stations, PB members pre-signed the results protocols before the count was finished; in 12 not all PB members signed them, as required by the law. Thirteen PBs observed did not properly pack and seal the election material before transferring it to LECs. Citizen observers were present during the count in one third of polling stations observed.

The handover of the election material and the initial phase of the tabulation process, observed in 89 LECs, was generally well-organized. Due to inadequate premises and overcrowding, IEOM observers negatively assessed the procedures in 7 cases. Discrepancies in some of the results protocols submitted by PBs were observed in 33 LECs visited. The tabulation process in most LECs is still ongoing. The REC began publishing aggregated preliminary election results online on election night which are to be officially announced on 4 April.

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

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## **MISSION INFORMATION & ACKNOWLEDGEMENTS**

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Belgrade, 4 April 2022 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP). The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Mr. Kyriakos Hadjiyianni was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Ms. Bryndis Haraldsdóttir headed the OSCE PA delegation, Mr. Aleksander Pocij headed the PACE delegation and Mr. Thijs Reuten headed the EP delegation. Mr. Douglas Wake is the Head of the ODIHR EOM, deployed from 22 February.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some two months after the completion of the electoral process. The OSCE PA will present its report at its Annual Session in July 2022. The PACE will present its report at the Standing Committee meeting in Dublin on 31 May 2022. The EP will present the report at one of the upcoming meetings of the Delegation for relations with Serbia.

The ODIHR EOM includes 21 experts in the capital and 26 long-term observers deployed throughout the country. On election day, 371 observers from 47 countries were deployed, including 265 observers deployed by ODIHR, as well as a 65-member delegation from the OSCE PA, a 25-member delegation from the PACE and 16-member delegation from the European Parliament. Opening was observed in 140 polling stations and voting was observed in 1,416 polling stations across the country. Counting was observed in 122 polling stations, and the tabulation in 93 LECs.

The observers wish to thank the authorities for their invitation to observe the elections, and the Republic Electoral Commission and the Ministry of Foreign Affairs of the Republic of Serbia for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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