



Office for Democratic Institutions and Human Rights

REPUBLIC OF SERBIA

PRESIDENTIAL AND EARLY PARLIAMENTARY ELECTIONS
3 APRIL 2022

ODIHR Election Observation Mission
Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the authorities of the Republic of Serbia, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) for the 3 April 2022 presidential and early parliamentary elections. For the short-term election observation around election day, the ODIHR EOM was joined by delegations of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the European Parliament to form an International Election Observation Mission (IEOM). The EOM assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, and national legislation.

In its Statement of Preliminary Findings and Conclusions issued on 4 April, the IEOM concluded that the 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 the secrecy of the vote and numerous instances of family voting.”

The presidential and early parliamentary elections took place against a significant polarization between the ruling parties and the opposition, and numerous street protests occurred between July 2020 and January 2022. All political parties participated in these elections, including the opposition parties that boycotted the 2020 parliamentary race.

The president is directly elected for a five-year term from a single nationwide constituency. 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. The legal framework provides an adequate basis for democratic elections, but additional measures are needed to ensure a level playing field. Significant amendments adopted since the previous parliamentary elections, following consultations between the ruling coalition and opposition parties, included, *inter alia*, enhanced representation of the opposition in the election commissions for these elections; extended timeframes for dispute resolution; the introduction of interim financial reports for electoral contestants; and the establishment of a Temporary Supervisory Authority (TSA) to supervise the media coverage of the campaign. Some of the changes addressed prior ODIHR recommendations. However, a number of recommendations to improve the legal framework remain outstanding, including on contestants’ access to media, enhanced transparency and accountability of campaign finance, and measures to tackle pressure on voters and misuse of administrative resources.

¹ The English version of this report is the only official document. An unofficial translation is available in Serbian.

The elections were administered by a three-tiered independent election administration comprising the Republic Electoral Commission (REC), 166 local electoral commissions (LECs) and 8,267 polling boards (PBs). Apart from political entities represented in the parliament and local assemblies, for these elections, all election commissions included permanent members nominated by the non-parliamentary opposition, in an effort to provide more inclusive political representation. Despite that, trust in the election administration among political party and civil society representatives varied, due to the domination of the ruling coalition in most commissions. Women were well-represented in the election administration; 39 per cent of the REC, 41 per cent of the LECs and some 46 per cent of the PB membership were women. The REC and LECs carried out their duties in a timely and efficient manner. The law does not prescribe mandatory training for lower-level commission members; the low participation rate diminished the efficiency of the REC's training and led to inconsistent application of election day procedures. Voter education activities conducted by the REC were limited. With the exception of the REC website and some of its voter information videos supported by sign language interpretation, election materials were not adapted for voters with disabilities.

Citizens over the age of 18 are eligible to vote and the centralized voter register is maintained and updated by the Ministry of Public Administration and Local Self-Government (MPALSG), based on data extracted from the civil register with a registered permanent residence in Serbia. Some citizens without a permanent residence may in practice not be able to exercise their right to vote, contrary to international standards. Despite some efforts to remove obsolete entries from the voter register, concerns were raised regarding its accuracy, particularly related to entries of deceased persons. The government established a working group in November 2021 to audit the voter register; however, it failed to conduct meaningful scrutiny due to conflicting regulations on data protection and a lack of clear mandate. Since 18 March, the voter lists for all polling stations were published online, increasing voter list transparency; however this was not publicly announced by the MPALSG, decreasing its impact. The final voter lists contained 6,502,307 voters.

In an inclusive process, the REC registered 8 presidential candidates, among them 3 women, and 19 parliamentary lists with 2,912 candidates, among them 42 per cent women. Despite recent amendments, the law continues to provide the REC with wide discretionary powers to interpret and implement the provisions to register parliamentary candidate lists with national minority status, which undermines legal certainty.

Fundamental freedoms were largely respected in the campaign, but some key challenges limited the ability of voters to make an informed choice free from pressure or inducement. The ODIHR EOM received consistent 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 international standards. Many public infrastructure projects were announced, initiated or inaugurated during the campaign by the incumbent president or government representatives who were also candidates, contributing to a lack of level playing field for contestants and blurring the line between state and the party. 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 its domestic impact. Party platforms and campaign messages rarely addressed issues related to gender equality. Campaigning on social networks was vibrant, with the content largely mirroring the offline campaigns.

February 2022 changes in the campaign finance legal framework addressed prior ODIHR recommendations related to donation limits and interim reporting. However, some important aspects were left unaddressed, including those related to introducing expenditure limits and improving of oversight mechanisms. Parliamentary parties receive annual public funding but following the boycott of the 2020 parliamentary elections, most opposition parties could not benefit from these funds, resulting in considerable disparities between contestants' campaign budgets. Registered contestants are

also eligible for public campaign subsidies; however, these were disbursed shortly before election day, limiting the possibility for contestants to use them effectively. The newly introduced interim reports only covered the period until 15 days prior to the elections, leaving significant expenditures unreported. The Agency for Prevention of Corruption, responsible for campaign finance oversight, did not effectively respond to alleged violations, at odds with OSCE commitments.

The affiliation of most major media outlets with the ruling coalition reduces pluralism, influences the agenda of public discourse, and undermines the watchdog function of the media. Most opposition representatives highlighted their long-standing lack of access to the national public and private media. While limited incidents affecting journalists were reported during the campaign period, several instances of threats and physical violence occurred after election day, raising concerns about their safety and the possibility to report freely. The ODIHR EOM monitoring showed that the national public broadcasters had covered the campaign activities of all contestants equitably but provided extensive uncritical news coverage to public officials who were also candidates. Private broadcast media with national coverage presented the election campaign without meaningful editorial input and focused their news coverage on state officials. Despite its mandate to oversee the broadcast media, the Electronic Media Regulatory Authority (REM) remained overall passive in the campaign period. The effectiveness of the newly established TSA, which included representatives of the non-parliamentary opposition and the REM, was undermined by its lack of enforcement powers and disagreements between members nominated by the REM and those by the opposition.

Contestants, political parties, parliamentary groups and voters are entitled to file complaints against decisions of the election administration and other violations; civil society observers do not have this right. The February 2022 legislative changes addressed a number of previous ODIHR recommendations, including extending legal standing and the timeframes for filing and reviewing complaints, prescribing deadlines to publish related decisions and enhancing dispute resolution after election day. The REC received eight complaints during the campaign, mainly on candidate registration, and the Administrative Court adjudicated seven appeals, upholding the REC decisions in all but one case. Despite numerous allegations of misuse of administrative resources and intimidation, the Prosecutor's Office informed the ODIHR EOM that it received only seven complaints during the campaign period and that no one was indicted. Several ODIHR EOM interlocutors noted that citizens were reluctant to report abuses due to fear of retribution and expressed a lack of trust in the prosecutor, law enforcement bodies and courts to impartially and effectively handle such cases.

Election day was calm and peaceful overall, with a few isolated 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 group or 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 properly. Instances of unauthorized persons keeping track of voters, voters taking pictures of their ballots 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 did not announce any turnout figures following the closing of the polls, departing from a prior practice and reducing transparency.

In accordance with the legal deadline, the REC announced the preliminary election results on 4 April. The LECs received some 300 and the REC some 120 complaints regarding the voting procedures and polling station results, mainly requesting the annulment of voting in polling stations; most complaints were rejected. The majority of the alleged irregularities constituted potential criminal offences, including group voting, non-registered voters allowed to vote and voter intimidation, that would have required reporting to the police and the prosecutor in order to conduct further investigations. The REC

reviewed all complaints in public sessions and rejected most of them on technical grounds. The Administrative Court reviewed complaints in closed sessions, detracting from transparency.

By law, the REC ordered repeat voting in polling stations where the election results could not be determined by the LECs, or results were annulled by *ex officio* decisions of the respective LECs due to legally-defined procedural irregularities. Repeat voting took place in a total of 67 polling stations on 16 April. In addition, three consecutive repeat elections were held at a single polling station in Bujanovac municipality on 28 April, 27 May and 30 June due to irregularities, which significantly delayed the announcement of the early parliamentary election results and the constitution of the new parliament. The REC announced the final results for the presidential election on 9 May. The final results for the early parliamentary elections were announced on 5 July, and the parliament was constituted on 1 August, almost four months after the elections. The final turnout was 58.6 per cent.

This report offers a number of recommendations to support efforts to bring elections in the Republic of Serbia closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to a need for further legal review to address challenges on the misuse of administrative resources and access to media, introducing standardized mandatory training for election officials, a full audit of the unified voter register, a clear separation between official functions and campaigning activities, mechanisms to prevent intimidation and pressure on voters, regulation of third-party campaigning and sanctions for campaign violations and inadequate reporting, strengthening the independence of the media regulator, promulgating clear election-day procedures not sufficiently regulated by law, and enhancing the effectiveness of the dispute resolution related to the election-day process. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Republic Electoral Commission (REC) of the Republic of Serbia to observe the 3 April 2022 presidential and early parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 22 February. The mission, led by Douglas Wake, consisted of a 23-member core team based in Belgrade and 26 long-term observers (LTOs) deployed on 4 March to 12 locations around the country; 43 per cent of the mission members were women. The ODIHR EOM members remained in the country until 15 April to follow post-election day developments.

For election day, the ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). 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. The institutions taking part in the IEOM have all endorsed the 2005 Declaration of Principles for International Election Observation. The IEOM deployed 371 observers from 47 OSCE participating States on election day, including 267 long-term and short-term observers by ODIHR, a 65-member delegation from the OSCE PA, a 23-member delegation from PACE, and a 16-member delegation from the EP; 40 per cent of the IEOM observers were women.

The ODIHR EOM assessed compliance of the election process with OSCE commitments and other international obligations and standards for democratic elections and domestic legislation. This final

report follows a Statement of Preliminary Findings and Conclusions that was released at a press conference on 4 April.²

The ODIHR EOM wishes to thank the authorities of the Republic of Serbia for their invitation to observe the elections, and the REC, the Ministry of Foreign Affairs and the public health authorities for their assistance. It also expresses appreciation to other state institutions, the judiciary, political parties, media, civil society organizations, international community representatives, and other interlocutors for their co-operation and for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

The presidential and early parliamentary elections unfolded against the background of intense polarization between the ruling parties and the opposition with a series of street protests occurring between July 2020 and January 2022.³ On 15 February, President Vučić dissolved the parliament and set early parliamentary elections for 3 April.⁴ On 2 March, the speaker of the parliament called the regularly held presidential elections to take place on 3 April, concurrently with the early parliamentary elections.⁵ All opposition parties opted to participate in the elections, including those that boycotted the 2020 parliamentary race.

From late February, the war caused by the Russian Federation's invasion of Ukraine shifted the public discourse to the evolving challenges of domestic and European security, with the incumbents pledging efforts to maintain stability and discouraging political change.

The political landscape has been dominated by the Serbian Progressive Party (SNS) since 2012 and for most of this period by its leader, the incumbent president Aleksandar Vučić. In 2017, then prime minister Vučić 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 conditions for holding democratic elections. The SNS-led ruling coalition obtained 231 of 250 parliamentary seats.⁶

In recent years, many international and non-governmental organizations noted a decline in the authorities' compliance with democratic standards.⁷ The space for civil society has been shrinking, and

² See previous ODIHR [election reports on Serbia](#).

³ 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. Protests between September and December 2021 related to environmental issues and the adoption of the Law on Expropriation and the Law on the Referendum and the People's Initiative.

⁴ These were the sixth parliamentary elections since 2008, of which four took place early.

⁵ On the same day, local elections were also held in 14 municipalities including Belgrade.

⁶ 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.

⁷ See for example the 6 July 2022 [European Parliament resolution on the 2021 Commission Report on Serbia](#), which among other statements, "[d]eplors the continuing physical attacks, intimidation, hate speech and political slurs against journalists and civil society, including by MPs and government officials; calls on the authorities to investigate all cases of such attacks, to punish the perpetrators appropriately and to improve the safety of journalists and human rights defenders; expresses concern about continuous discrediting and targeting of human rights defenders, investigative journalists, media outlets and CSOs which are critical of government policies; calls on Serbia to strengthen human rights institutions, guarantee their independence, allocate them the necessary financial and human resources and ensure timely follow-up on their recommendations".

there have been instances of intimidation and harassment of civil activists, in contravention of the OSCE commitments.⁸

In October 2020, President Vučić declared that early parliamentary elections would take place in 2022. An inter-party dialogue mediated by the European Parliament (EP) between the government and opposition, including parties that boycotted the 2020 elections, resulted in the adoption on 18 September 2021 of a number of measures aimed at improving the electoral process.⁹ Held in parallel without foreign mediation, a second dialogue under the auspices of the speaker of the parliament between the ruling coalition and part of the opposition led to an agreement on 29 October.¹⁰ A number of opposition parties and civil society organizations expressed dissatisfaction with the dialogue processes, arguing that the outcomes were limited and most of their demands had not been met.¹¹ 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.

The prime minister and 10 out of 24 cabinet members were women. In the outgoing parliament, women held 40 per cent of the seats, an increase that followed the introduction of a gender quota in 2020.¹² However, women remained vastly underrepresented in all other elected and appointed offices, especially at the local level and in party leadership positions.¹³

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected for a five-year term from a single nationwide constituency. The Constitution limits the term of office to two terms. To be elected in the first round, a candidate must win a majority of all votes cast. Otherwise, a second round is held 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

⁸ 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, activists and journalists. In Paragraph 10.3 of the 1990 OSCE [Copenhagen Document](#), the OSCE participating States recognized citizens' right to "form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups". The March 2022 [Third Periodic Review](#) of Serbia by 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".

⁹ These included some attempts to achieve equal airtime for contestants on national broadcasters; taking steps against the misuse of state resources; changing the use of public funds in the campaign; including non-parliamentary opposition in election commissions; planning an audit of the voter register and publication of voter registration data; improving election day procedures; regulating the status of election observers; and lowering the number of support signatures for candidate lists of national minorities.

¹⁰ The 29 October agreement of the dialogue facilitated by the speaker of the parliament stipulated, *inter alia*, holding early parliamentary elections concurrently with the presidential and local elections in Belgrade, the establishment of Local Electoral Commissions (LECs) for national elections, a changed composition and method of appointment of election officials, and enhanced transparency in the election administration and tabulation of election results.

¹¹ Many opposition party representatives considered that the agreements did not adequately or meaningfully address some long-standing issues impacting the integrity of the electoral process, such as unequal access of the opposition to the media outside campaign periods, misuse of state resources by the incumbents and undue pressure on citizens, mainly those working for state institutions and state-owned companies, to vote for the ruling parties.

¹² Before the 2022 early parliamentary elections, Serbia ranked 28th on the [Inter-Parliamentary Union World Index](#) of women in national parliaments, with a higher percentage than the European average (31.3 per cent).

¹³ According to [UN Women](#), "women are under-represented in decision-making in all spheres of Serbia's social, economic, and political life". A report by the UNDP indicates that, [as of 2021](#), only 22 of 169 local governments had women mayors or presidents.

distributed among candidate lists that receive at least three per cent of the votes cast.¹⁴ Lists representing national minorities are exempt from the threshold requirement.¹⁵

Presidential and parliamentary elections are primarily regulated by the Law on the 2022 Election of the President (PEL), the 2022 Law on Election of Members of the Parliament (election law), the 2009 Law on Unified Voter Register (LUVR) and decisions and instructions of the REC.¹⁶ The legal framework was significantly revised in early 2022, following two inter-party dialogue processes between the ruling parties and the opposition.¹⁷ Addressing some prior ODIHR recommendations, the legislative changes regulated the work of mid-level election commissions; increased the representation of the opposition in election commissions for these elections; extended the timeframes for dispute resolution; enhanced the 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. While introducing fundamental changes shortly before elections is at odds with international good practice, these amendments were adopted following inclusive consultations.¹⁸ Most of the changes proposed enjoyed a broad consensus; however, opposition party and civil society representatives considered the changes too limited in scope and too close to these elections to address fundamental imbalances favouring the incumbents.

The legal framework generally provides an adequate basis for the conduct of democratic elections if implemented in good faith and effectively. However, despite some improvements introduced by recent legislative changes, additional measures are indispensable to address systemic challenges to the integrity of elections, including misuse of administrative resources and access to media (see *Electoral Campaign* and *Media* sections). 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, transparency of campaign finance and public scrutiny and audit of voter lists. Moreover, some gaps, inconsistencies and ambiguous provisions remain in the legislation.¹⁹

To enhance legal certainty and provide equal opportunities for electoral contestants, the legislation could benefit from a further review to address challenges related to misuse of administrative resources

¹⁴ The threshold for candidate lists to participate in the distribution of mandates was lowered from five to three per cent of votes cast shortly prior to the 2020 parliamentary elections.

¹⁵ To further increase the chances of winning seats, minority lists that did not exceed 3 per cent of the votes cast are given a bonus of 35 per cent of their votes.

¹⁶ Other applicable legislation includes relevant provisions of the 2006 Constitution (last amended in 2022), the 2009 Law on Political Parties, the 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.

¹⁷ On 4 February 2022, the parliament adopted the new election law, the PEL, the Law on Local Elections and the LFPA. Several amendments were also introduced to the LPC, the Law on Electronic Media and the Law on Public Information and Media.

¹⁸ Guideline II 2b of the 2002 Venice Commission's [Code of Good Practice in Electoral Matters](#) (Code of Good Practice) states, in part, that "the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election".

¹⁹ These include the LUVR prescribing permanent residence as a prerequisite for inclusion in the voter register; at the same time, the election law does not contain such a requirement. Furthermore, the criteria defined by the election law for determining the national minority status of parliamentary candidate lists are vague and do not allow for proper implementation. The definitions of the campaign period provided in the election law and the LFPA are not harmonized. The legislation does not sufficiently safeguard against misuse of administrative resources and office and does not adequately regulate third-party campaigning. The responsibilities of REM during the campaign period are not explicitly defined by the law. The election law is ambiguous with regard to the inspection of election material after election day, without clarifying if it allows for requesting inspection of ballots and recounting.

and access to media, and eliminate remaining gaps and inconsistencies, well in advance of the next elections, and within an inclusive and transparent consultation process.

V. ELECTION ADMINISTRATION

The election administration comprises the Republic Electoral Commission (REC), 166 local electoral commissions (LECs) and 8,267 polling boards (PBs).²⁰ The February 2022 legislative changes formalized the role of LECs in national elections, and prescribed rules to ensure gender balance and the inclusion of persons with disabilities in election commissions; however, this was not implemented in practice.²¹ For these elections, the composition of all commissions was altered to provide for temporary representation of the non-parliamentary opposition in order to ensure minimum political representation of parties that boycotted the 2020 elections and were therefore not represented in the parliament.²² Notwithstanding the legislative changes, trust in the election administration among political party and civil society representatives remained uneven, with many opposition representatives expressing concerns with regards to the continued domination of the ruling coalition at all levels. 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 is a permanent body with the overall responsibility to organize the elections, register candidates, adjudicate certain election-related complaints and announce the final results.²³ By law, the REC members are nominated by political parties in proportion to their representation in the parliament.²⁴ The current REC was appointed by the parliament in October 2020 with 17 members. In November 2021, following the inter-party dialogues, the REC was complemented with six additional members, at the proposal of the speaker of the parliament from non-parliamentary opposition.²⁵ After the registration of candidates, as prescribed by law, all presidential candidates and parliamentary lists nominated one member and one substitute member to the REC.²⁶ The extended composition of the REC comprised 88 members and substitutes; of them, 34 (39 per cent) were women. Women accounted for 41 per cent of the permanent compositions of the LECs and presided over 65 commissions (39 per cent).²⁷

The REC held regular sessions, which were open to the media and observers, and streamed online. In line with a prior ODIHR recommendation, in most cases, the agenda of sessions and all background

²⁰ 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.

²¹ The REC and LECs informed the ODIHR EOM that requirements on ensuring gender balance and the inclusion of persons with disabilities were not enforced in practice. The REC did not compile any data on the representation of persons with disabilities among electoral officials.

²² In line with the temporary provisions, the permanent membership of the REC was increased by six, and LECs and PBs were increased by one extra-parliamentary opposition member each.

²³ Administrative and technical support to the REC is provided by personnel assigned by the National Assembly Service and the Republic Statistical Office.

²⁴ The duration of the REC's mandate is bound to the term of the parliament. No parliamentary group may nominate more than half of the membership.

²⁵ The additional members were formally introduced using the stipulations of the Law on Referenda and People's Initiatives, in relation to the 16 January constitutional referendum, and their membership was subsequently confirmed through transitional measures of the new law. Of the 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).

²⁶ Political entities that nominated both presidential candidates and early parliamentary candidate lists could nominate one member and one substitute to each election commission.

²⁷ The REC did not compile any gender-disaggregated data on the membership of LECs and PBs.

material were shared with the members in a timely manner.²⁸ To have a quorum, half of the members had to be present; decisions were taken by the majority of members. While most decisions were adopted collegially, some REC members from the opposition asserted that there was not always adequate internal communication within the commission and suggested that the REC chairperson occasionally overstepped his authority.²⁹ As prescribed by law, decisions and instructions adopted by the REC and LECs were published online within 24 hours, enhancing transparency. However, the REC complaints database did not contain comprehensive information on complaints filed to LECs (see *Post-election Day Developments* section).

LECs and PBs were established within legal deadlines of 15 February and 23 March, respectively.³⁰ For the first time, LECs were mandated to supervise the conduct of national elections on the municipal level, including by appointing PBs, adjudicating certain types of complaints and tabulating election results. Most LECs observed by the ODIHR EOM managed the technical and administrative preparations in a transparent and professional manner.³¹ While extended members have full participatory rights in LECs and PBs, many opposition parties representatives explained to the ODIHR EOM observers that they nominated and trained their members to act solely as observers in order to safeguard the process against potential malfeasance.³² Some opposition parties alleged pressure on their extended members not to work on election day.³³

On 22 February the REC formed 5 LECs to administer voting for citizens residing in Kosovo.³⁴ Due to a lack of agreement with the authorities in Kosovo, the REC was unable to form polling stations in the municipalities of the voters' residence. On 24 March, the REC set up 46 polling stations for voters residing in Kosovo in the municipalities of Bujanovac, Kuršumljia, Raška, and Tutin; members of the respective PBs were appointed by 30 March.

The REC developed a hybrid online and in-person training programme for LECs and PBs, focusing on election day procedures, determination of election results and adjudication of complaints. In addition to the above, less than a week before election day, the REC launched a comprehensive online training module that further elaborated the election-day process. The quality of training sessions varied, with some trainers not providing sufficient opportunity for questions and clarifications. In line with the law, participation in the training was not mandatory. According to the REC, in total, only some 57,700 of the approximately 360,000 PB members participated in the training. This diminished the efficiency of

²⁸ According to the REC's Rules of Procedure of February 2022, all material related to the agenda must be sent at the latest three hours before the session; members had the right to propose changes to the agenda within two hours before the session. Some REC members opined that these deadlines were still insufficient for thorough preparation.

²⁹ 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 with regard to the request sent to the municipality of Novi Beograd about the authenticity of support signatures and an open letter sent to the president of the European Commission, addressing accusations of electoral fraud voiced by civil society organizations and academia. The REC members asserted that any such action should have been previously discussed during a REC session. This was further stressed by members in connection with recommendations sent by the REC chairperson to the LECs on 29 March, contradicting the adopted instruction on the sequence of election day procedures.

³⁰ LECs have 7 to 13 members, appointed proportionally to the representation of political parties in local assemblies. PBs comprise three members, proposed by the parliamentary groups. For the electoral period, each presidential and parliamentary contestant could appoint a member to the extended composition of all commissions.

³¹ Some LECs claimed to have received late in the process the REC's information on certain issues, including on training of PB members.

³² 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.

³³ According to SPP in Kragujevac, the fear of potential repercussions resulted in some of their appointees resigning from the PBs. The ODIHR EOM received credible reports of pressure on PB members nominated by United for the Victory of Serbia (UZPS) in Niš, which reported that 350 of their extended PB members had been called and advised not to show up on election day.

³⁴ All references to Kosovo, whether to the territory, institutions or population, should be understood in line with the [United Nations Security Council Resolution 1244/99](#).

the training programme and resulted in inconsistent application of the procedures (see *Election Day* section).³⁵

To ensure consistent application of election day procedures and enhance the professional capacity of the election administration, standardized mandatory training could be considered for all Local Electoral Commission and Polling Board members and prospective members, including the extended compositions.

The REC conducted limited voter education activities primarily through its website, social networks and, to some extent, in the broadcast and online media. Voter information was not comprehensive on some matters, such as recent changes to the election laws and the protection of voters' rights, including the rights of those negatively affected by group and family voting. Larger voter education efforts were carried out by civil society organizations, notably, the Center for Research, Transparency and Accountability (CRTA), on billboards and media platforms, focusing primarily on raising awareness about dealing with electoral offences and the right to vote in secret.

To enhance the effective exercise of voting rights, the REC should develop and implement a timely, comprehensive and targeted voter education programme, including on voters' rights, the prevention of group voting, and the importance of voting by secret ballot.

While the election law requires polling stations to be accessible for voters with physical disabilities, interlocutors from organizations representing persons with disabilities pointed out to the ODIHR EOM a long-standing lack of inclusion in the electoral process for persons with various types of disabilities.³⁶ With the exception of the REC website and some of its voter information video spots supported by sign language interpretation, voter education and election material, including ballot papers and polling booths were not adapted for voters with visual, hearing or cognitive impairments.

The REC, the state and local authorities, in co-operation with the relevant disability organizations, should undertake further measures to ensure independent access of persons with various types of disabilities to the entire election process. Election authorities should provide detailed election information in various accessible formats.

VI. VOTER REGISTRATION

The right to vote is provided to all citizens who have reached 18 years of age by election day, 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.³⁷

³⁵ Section II.3.1(84) of the Venice Commission's [Code of Good Practice](#) states that "members of electoral commissions have to receive standardised training at all levels of the election administration. Such training should also be made available to the members of commissions appointed by political parties".

³⁶ The government [Strategy for Improvement of Position of Persons with Disabilities](#) for the period of 2020 to 2024 sets goals to increase the number of accessible polling stations by 50 per cent by the end of 2024 and promotes the active participation of persons with disabilities in public and political life through removing obstacles to political participation, adjustment of election and campaign materials, and ensuring secrecy of the vote for visually impaired persons.

³⁷ See Articles 12 and 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".

The legislation should be further harmonized with the objectives of the UN Convention on the Rights of Persons with Disabilities by removing all remaining restrictions on voting rights on the basis of intellectual or psychosocial disability.

The Ministry of Public Administration and Local Self-Government (MPALSG) is responsible for maintaining the Unified Voter Register (UVR), a permanent electronic database based on the civil register. While the new election law no longer prescribes permanent residence as a prerequisite for the right to vote, the UVR retains a requirement of permanent address for inclusion in the UVR. The MPALSG informed the ODIHR EOM that voters whose permanent addresses are deleted from the civil register are automatically removed from the UVR.³⁸ According to the MPALSG, this procedure primarily affected some voters living abroad and those whose addresses were deregistered by the MoI.³⁹ In some cases, this may lead to voters being unduly disenfranchised, at odds with international standards.⁴⁰

To guarantee universal suffrage and prevent undue disenfranchisement or unequal treatment of voters, consideration should be given to introducing objective, reasonable and non-discriminatory procedures for inclusion in the voter lists of citizens without permanent residence and opportunities for these citizens to exercise their voting rights.

Voters could inspect their entries at local administration premises or online and request corrections between 16 February and 30 March. On 18 March, all precinct voter lists were made accessible for scrutiny online, for the first time during national elections.⁴¹ While this contributed to the transparency of voter lists, the newly introduced possibility for election stakeholders to scrutinize the voter lists was not communicated to the public, decreasing its impact. The total number of registered voters per municipality has been made public quarterly since October 2021. Many civil society and opposition ODIHR EOM interlocutors pointed out that parties and contestants cannot access the voter register as a whole in due time before elections, missing an opportunity for further transparency.

Voters were entitled to register according to their temporary residence or abroad by 12 March, through requests submitted to local administrations or diplomatic representations. Special voter lists were compiled for military, detainees and prisoners.⁴² Voters could request mobile voting due to illness, age or disability at their respective LEC or PB, without providing a justification, until 11:00 on election

³⁸ Internally displaced persons are registered according to their temporary address. Persons without a permanent address, such as the 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 by all local administrations.

³⁹ The Law on Permanent and Temporary Residence obliges Serbian citizens who take up permanent residence abroad to deregister their residence in Serbia; however, according to the MoI, a majority of the citizens affected fail to do so. The law establishes that the MoI can deregister an address when it finds that the registered person does not habitually reside there. While the law mandates the MoI to adopt detailed procedures for this purpose, the Ministry informed the ODIHR EOM that no such instruction had been adopted prior to these elections. Some representatives of the Albanian minority raised concerns to the ODIHR EOM that a disproportionate number of residential addresses of citizens *de facto* residing in southern Serbia had been deregistered over the past decade. The Ministry has not publicly responded to the allegations at any time; however, it informed the ODIHR EOM that a total of 4,550 addresses have been deregistered between 2020 and 2022, the highest numbers in the municipalities of Niš (596), Jagodina (232), Valjevo (230), Stara Pazova (216), Vranje (211), Grocka (192), Čačak (181), Bujanovac (176) and Bečej (163).

⁴⁰ Art. 4 of the 1996 [General Comment 25 on the ICCPR](#) states that “the exercise of [electoral] rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable”.

⁴¹ The law mandates the MPALSG to determine the way of making public the voter lists after the calling of the elections. Before 18 March, voters could check voter lists for all polling stations used during the 16 January referendum.

⁴² According to the REC, 7,874 voters registered to vote according to a temporary address in Serbia and 39,777 abroad. Further, 8,137 detainees and prisoners were added to special voter lists.

day.⁴³ On 1 April, the REC published the final number of registered voters as 6,502,307, some 1.25 per cent less than in the 2020 parliamentary elections.

Most ODIHR EOM interlocutors did not raise concerns about the inclusiveness of the voter lists or voters' access to ID documents. However, multiple reports of voter invitations being delivered to incorrect addresses one week before elections reinforced the many concerns and negative perception about a lack of accuracy of the UVR and the civil register, especially regarding entries of deceased persons and voters living abroad.⁴⁴

On 18 November 2021, the government established an inter-party working group to scrutinize the UVR. In contrast with prior practice, civil society was not invited to participate in the working group. 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. In addition, according to the MPALSG, the working group could not access voters' data due to data privacy regulations. Some opposition representatives stepped down from the working group on 24 March, citing its limited mandate and resources.

To address concerns over the accuracy of voter lists and increase public confidence, the authorities should facilitate the conduct of a full audit of the Unified Voter Register and the civil register as soon as practically possible, with the participation of relevant stakeholders, including political parties and civil society.

By law, voters could submit a request to their respective LECs to check if their voter list entries had been marked and signed. The law does not prescribe any deadline for submitting such requests and stipulates that LECs reply within 30 days, after the expiration of the deadline for complaints against election-day irregularities.

VII. CANDIDATE REGISTRATION

Citizens eligible to vote may stand for president or member of parliament, without any further eligibility criteria. Presidential candidates and parliamentary candidate lists can be nominated by political parties, coalitions of parties and groups of at least ten voters. Requests to register presidential candidates and parliamentary candidate lists are submitted to the REC and must be supported by 10,000 signatures from voters (5,000 for lists representing national minorities).⁴⁵ Contrary to international good practice and previous ODIHR recommendations, a voter may sign in support of only one presidential candidate and one parliamentary candidate list.⁴⁶

⁴³ The election law requires LECs to publish data on voters' requests for mobile voting before election day, but not to collect further data from PBs on election day. By the time of publication of the final electoral results on 5 July, the REC did not compile or publish aggregated mobile voting data for the whole country (it is not legally obliged to do so).

⁴⁴ 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 resided there. One week prior to election day, several media circulated reports on an allegedly significant number of voter invitations sent to deceased persons. The MPALSG acknowledged to the ODIHR EOM the challenges to achieve full accuracy, given that data on Serbian citizens living abroad are often not made available to Serbian authorities.

⁴⁵ Parties contesting both presidential and early parliamentary election had to collect signatures separately for each contest.

⁴⁶ Paragraph 196 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that "a requirement that a citizen be allowed to sign in support of only one party should be avoided, as such a regulation would affect his/her right to freedom of association and could easily disqualify parties".

To further promote pluralism in the electoral process and freedom of association, consideration could be given to removing the restriction against signing in support of more than one presidential candidate and one parliamentary candidate list.

The signature collection and candidate registration period started with the call of the corresponding elections and ended on 13 March. Pursuant to the February 2022 legislative changes, the deadline for candidate registration was shortened by 5 days. Although this change reduced the time needed for signature collection, especially in the case of the presidential election, it did not present significant problems with collecting sufficient number of signatures. Submitters of presidential candidates and parliamentary candidate lists had 48 hours to remedy deficiencies identified in the registration documents.⁴⁷ Following the February 2022 legislative changes, the election law explicitly prohibits the withdrawal or replacement of individual candidates after the registration of the respective parliamentary candidate list.

The legally prescribed certification of signatures could be conducted by public notaries, municipal administrations and courts.⁴⁸ Many ODIHR EOM interlocutors described limited access to these agencies, asserting that notaries were only available for other contestants after providing this service to ruling coalition candidates.⁴⁹ As required by the new provisions of the election law, the REC published the number of submitted support signatures for each candidate, disaggregated per certifying authority.

Overall, candidate registration was inclusive. The REC registered 8 presidential candidates and 19 parliamentary candidate lists. The REC rejected four requests to register candidate lists with national minority status for not being supported by the required numbers of support signatures. The REC's decision to reject the "Russian Minority Alliance" (RMS) was appealed by the submitter and overturned by the Administrative Court, as the final appeals instance.⁵⁰

Following the registration of the RMS and closing of the candidate registration process, the REC additionally raised concerns about some of the support signatures submitted by the coalition; subsequently, the respective certifying authority denied the authenticity of the signatures in question.⁵¹ Given the lack of available legal remedies to initiate the deregistration of the coalition following the Administrative Court decision on its registration, it remained able to contest the elections.

Consideration could be given to mandating by law that certifying authorities make their services available to all contestants on non-discriminatory terms. Election authorities should ensure

⁴⁷ According to the REC, most corrections of minor deficiencies were done on site, upon the submission of nomination documents, without an official conclusion by the REC. Within the deadline set for corrections, nominators could submit additional support signatures in case they fell short, but only if they have been collected within the registration period. Two nominators of presidential candidates and seven submitters of parliamentary candidate lists were required to provide additional signatures to pass the threshold.

⁴⁸ A fee of RSD 30 (around EUR 0.26) per certified supporting statement applied, lowered by RSD 20 (EUR 0.20) compared to the 2020 parliamentary elections. Some smaller political parties considered the fee high, given their limited resources.

⁴⁹ This was alleged to the ODIHR EOM by some political parties in Kragujevac, Kraljevo, Novi Sad, Sombor, Šabac, and Zrenjanin.

⁵⁰ 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 registration. 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.

⁵¹ The REC requested the municipal administration of Novi Beograd to confirm the legality of 490 signatures supporting the RMS. On 30 March, the REC chairperson presented the official response by the municipality of Novi Beograd denying the authenticity of the certified support signatures but he also stated that no further legal steps could be made by the REC. The ODIHR EOM was not made aware by the respective authorities of any further steps taken to investigate or prosecute those responsible for the possible falsification of support signatures.

accountability for any criminal offences or other abuses occurring during the candidate registration process.

The law requires a 40-per cent gender quota on the lists for the parliamentary elections and prescribes that two candidates of the less represented sex be represented among every five consecutive candidates; all candidate lists satisfied this requirement. Three of the 8 presidential candidates were women; 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) candidates were women. Women headed four candidate lists (22 per cent).

VIII. ELECTORAL CAMPAIGN

The official campaign periods commenced with the call of the respective elections and ended on 31 March at midnight. However, many candidates had started campaigning earlier, which is not legally prohibited. While fundamental freedoms were generally respected in the campaign, some challenges limited the ability of voters to make an informed choice free from undue pressure and inducement. Pressure on voters to support the incumbent and the ruling coalition and misuse of administrative resources by state and municipal actors prior to the elections blurred the line between state and the party, contrary to the OSCE commitments and international good practice.⁵² Many ODIHR EOM interlocutors described what they perceive as excessive budgetary allocations to different categories of voters prior to elections.⁵³ The ODIHR EOM received credible reports on goods being distributed to voters in exchange for supporting the ruling party.⁵⁴

Despite some existing regulations, the legislation does not provide sufficient safeguards against the misuse of administrative resources or office. The law allows most public officials to engage in public activities, including campaigning, unless it conflicts with their official duties. A large number of public infrastructure projects were announced, initiated or inaugurated during the campaign by the incumbent president or government representatives who were also candidates.⁵⁵ 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

⁵² 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”.

⁵³ For instance, housing subsidies for mothers with new-borns from 1 January 2022 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 parents of new-borns was initiated under a January 2022 government [decision](#).

⁵⁴ ODIHR EOM observers received reports from voters about goods being distributed in Niš and Mladenovac. In addition, the ODIHR EOM observed that several local branches of the SNS, including in Belgrade and the autonomous region of Vojvodina published content on Facebook about food, fuel and household equipment distribution to citizens, procured by SNS members or volunteers, and delivered by SNS representatives wearing clothes with party colours and insignia. The media reported several cases of food packages with SNS labels being distributed through social welfare centres.

⁵⁵ According to the ODIHR EOM media monitoring, between 27 February and 23 March, Mr. Vučić initiated or opened 13 infrastructural projects, including new factories in Kragujevac, Valjevo and Adaševci, opening of the Belgrade–Novi Sad railway and the Institute for Cardiovascular Diseases in Belgrade. ODIHR EOM observation of the campaign in social networks identified 44 Twitter and Facebook posts on openings of facilities and other projects by parliamentary candidates of the SDPS, SPS, SVM and SPP in their capacity as public officials during the period from 28 February until 1 April.

significant advantage of incumbency, who also benefitted from extensive media coverage (see *Media* section).

Authorities should take measures to prevent misuse of office and state resources. The law should provide for a clear separation between the official functions and campaigning activities of the incumbents. Violations should be proactively prevented and addressed by the relevant authorities through proportionate and dissuasive sanctions.

In most regions, except Belgrade, the campaign was low-key, and focused on individual candidates rather than political platforms.⁵⁶ Contestants campaigned through gatherings, door-to-door canvassing, distribution of flyers, posters or billboards, and online. Only the SNS and SPS organized large-scale rallies. Campaign platforms focused on the economy, agriculture, foreign investments, the cost of living and the status of Kosovo. The war caused by the Russian Federation's invasion of Ukraine largely overshadowed the beginning of the campaign and shifted the public discourse to European security and its impact on Serbia. With the exception of isolated violence and instances of hate speech, the campaign period was peaceful.⁵⁷ The COVID-19 pandemic did not negatively affect the possibility of campaigning.⁵⁸

Women were active as candidates; however, party platforms and campaign messages rarely addressed issues related to gender equality.⁵⁹ Some 74 per cent of the campaign venues observed were accessible for persons with disabilities. No presidential candidates or parliamentary contestants had provisions for improvements for persons with disabilities as part of their programmes.

The ODIHR EOM received many credible reports throughout the country about pressure on voters to support the ruling coalition. Several opposition party representatives, civil society organizations and voters reported to the ODIHR EOM that municipal and public company workers were coerced to pledge their vote and contribute to mobilization of voters for the ruling coalition, attend rallies or post comments in support of the coalition on social networks.⁶⁰ Some opposition representatives claimed to the ODIHR EOM that they had limited access to campaign venues.⁶¹ While the law provides for the use of public premises on equal terms, their allocation was not always transparent.⁶² Voters were generally able to obtain information on all contestants, but some opposition representatives alleged to the ODIHR

⁵⁶ In Belgrade, in connection with the local elections, opposition parties and coalitions had more visibility than in other municipalities and campaigned actively with stands and through in-person meetings.

⁵⁷ Reportedly, on 25 February, in Kula, a *Moramo* candidate was attacked during signature collection; a *Moramo* activist was assaulted by several SNS supporters when trying to film the distribution of goods by the 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 the Party for Democratic Action of Sandžak (SDA) used a derogatory term for LGBT persons.

⁵⁸ Most COVID-19 related health measures, including limitations on public gatherings, were lifted on 12 March.

⁵⁹ The ODIHR EOM observed a total of 48 campaign events of 33 political parties. About 32 per cent of the campaign attendees and some 30 per cent of the speakers at rallies were women. In their campaign events, United for the Victory of Serbia (UZPS), *Moramo* and SPS addressed issues such as equal pay, women's access to employment and domestic violence.

⁶⁰ 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, and that employees of companies contracted by the state, beneficiaries of social benefits and subsidies are subjected to similar pressure. According to ODIHR EOM observers, on 26 March, in Užice, attendants of an SNS rally were not allowed to leave the premises during the president's speech.

⁶¹ Representatives of the UZPS and *Moramo* informed the ODIHR EOM that they were denied the use of public and privately owned premises by last-minute cancellations of their booking in Belgrade, Bor, Kikinda, Pančevo, Vranje and Zaječar.

⁶² *Moramo*, UZPS and *Dveri* informed the ODIHR EOM that, in some areas, they could not access public and municipal buildings for campaigning and were not informed of the available time slots.

EOM that their supporters feared attending their campaign events or being seen taking their leaflets.⁶³ The widespread allegations of pressure and intimidation of voters raised concerns about voters' ability to cast their votes free of retribution, contrary to OSCE commitments and international good practice.⁶⁴

Authorities should put in place and implement effective legal and institutional oversight mechanisms to prevent intimidation and pressure on voters, including employees of public and state institutions and enterprises.

The campaign on the social networks was vibrant. The most popular social networks among candidates were Facebook and Twitter.⁶⁵ Digital campaigning was used extensively by the opposition to compensate for their limited access to media and scarce financial means.⁶⁶ Representatives of the ruling coalition frequently posted about the inauguration of infrastructure projects and other achievements as public officials.⁶⁷ Accounts connected to the ruling party and some opposition representatives generated significant engagement with voters.⁶⁸ The tone of the campaign observed online was generally neutral or positive. The content largely mirrored that of the candidates' in-person campaign events. By law, campaign silence provisions apply to the registered online editions of media outlets but not to social networks; on election day, opposition candidates abundantly used their social media accounts to share information on alleged irregularities, such as attacks and harassment of the PB members nominated by their parties. Some ODIHR EOM interlocutors from civil society and the media made credible allegations of organized groups operating on social networks, active in promoting ruling party policies and discrediting the opposition, including through disinformation.⁶⁹

IX. CAMPAIGN FINANCE

Campaign finance is regulated by the 2022 Law on Financing Political Activities (LFPA) and the 2019 Law on Prevention of Corruption (last amended in 2022), supplemented by the Agency for Prevention of Corruption (APC) regulations. The recent amendments to the legal framework for political party and campaign finance addressed some previous ODIHR recommendations, including on lowered donation limits, a legal requirement for interim reporting on donations and expenditures for electoral contestants and ceilings on political party membership fees and loans. However, some long-standing recommendations by ODIHR and the Council of Europe's Group of States against Corruption (GRECO)

⁶³ The ODIHR EOM received credible reports of citizens visiting opposition party offices or attending opposition campaign events being photographed or filmed and fearing intimidation in Bor, Novi Pazar, Šabac, Smederevo, Zrenjanin and Vladimirci. Article 19 of the 1966 [International Covenant on Civil and Political Rights](#) (ICCPR) states that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds".

⁶⁴ 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 I.3.1 of the Venice Commission's [Code of Good Practice](#), which requires state authorities to have a "duty of neutrality" and to sanction violations of voters' freedom to form an opinion.

⁶⁵ During the official campaign period, from 28 February to 5 April, the ODIHR EOM followed the online activities of 8 presidential and 8 parliamentary candidates and leaders, and 38 political parties and coalitions on their official accounts on Facebook and Twitter.

⁶⁶ 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 posts. The posts by the SNS candidates had the highest number of likes and views.

⁶⁷ Posts covering candidates who are public officials' inaugurating infrastructure and other projects were mostly found on the SDPS and SNS accounts.

⁶⁸ Of all political party leaders, Mr. Vučić had the highest number of followers on his Twitter account (380,000), while Vuk Jeremić, head of the People's Party (NS) came second with 196,000, followed by two leaders of the Party of Freedom and Justice (SSP), Dragan Đilas and Marinika Tepić (147,000 and 124,000, respectively).

⁶⁹ See also the 2021 European Parliament study on [Mapping Fake News and Disinformation in the Western Balkans](#).

remain unaddressed, including with respect to the absence of a campaign expenditure limit, rules on campaigning by third parties, a lack of an effective oversight mechanism, and a system of dissuasive sanctions.

In addition, the legal framework maintains gaps and ambiguous formulations that allow circumvention and discretionary application. Notably, the lack of regulation of third-party campaigning could be used to circumvent the accountability and rules for disclosure of donations and expenditures. The broad discretionary powers of the APC and its director, and the unregulated scope of tax control, may undermine legal certainty and uniform application.⁷⁰ The absence of sanctions for inaccurate reporting and the lack of expedited deadlines for corruption-related complaints limit the effectiveness of oversight, at odds with international good practice.⁷¹ The Criminal Code does not contain provisions necessary to implement the criminal provisions of the LFPA. The law does not establish sufficient safeguards against the misuse of budgetary funds in campaigns.

To ensure legal certainty and campaign finance accountability, the legislation should be further reviewed to address gaps and prior ODIHR and GRECO recommendations, including by explicit regulation of third-party campaigning and provisions on effective, proportionate and dissuasive sanctions for violations and inadequate reporting. To allow effective implementation, the Criminal Code should be brought in line with the Law on Financing of Political Activities.

A. INCOME AND EXPENDITURE

Political entities represented in the parliament receive annual public funding proportional to the results of the last parliamentary elections, which may also be spent for the campaign. In 2022, the total public funding amounted to RSD 1.4 billion (around EUR 12 million). Following the boycott of the 2020 parliamentary elections, most opposition parties could not benefit from public funding, resulting in considerable disparities between contestants' campaign budgets.⁷²

Public funds are also allocated to election campaigns, amounting to a total of RSD 1.8 billion (EUR 15.7 million) for these elections.⁷³ The funds are disbursed in two payments, one during the campaign and one after the announcement of the final results. However, the first disbursement was only effectuated upon the completion of candidate registration, limiting the possibility to use public funds for campaigning to only one week for most contestants. The second disbursement is distributed on the basis of election results.⁷⁴ However, the law does not condition the second disbursement to lawful financing of campaigns and does not prescribe the verification of campaign finance reports prior to the

⁷⁰ The law lacks clear and comprehensive provisions related to the subject and scope of the financial control. The APC has planned but is yet to develop methodology in this respect.

⁷¹ Paragraph 224 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "Sanctions should be applied to political parties found in violation of relevant laws. Sanctions at all times must be objective, enforceable, effective and proportionate to their specific purpose". Article 16 of [Committee of Ministers of the Council of Europe Rec \(2003\)4 on common rules against corruption in the funding of political parties and electoral campaigns](#) stipulates that "States should require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to effective, proportionate and dissuasive sanctions."

⁷² According to the interim reports submitted by the nominating entities to the APC, the campaign funds of most presidential candidates amounted to EUR 20,000 to 60,000, while the coalition supporting the incumbent president transferred EUR 1 million to his campaign fund.

⁷³ The political entities that nominated presidential candidates each received RSD 46.1 million (EUR 390,000), and RSD 20.5 million (EUR 173,000) if they nominated a parliamentary list. These funds were made available upon a deposit of an election bond equal to the allocated funds. Contestants lose the bond if they fail to refund unspent funds or to refund the public funds fully in case they do not achieve the one per cent threshold.

⁷⁴ The remaining 60 per cent of the funds are divided among contestants in proportion to the number of parliamentary seats obtained. The winning presidential candidate receives all remaining funds.

payment, thus failing to provide for safeguards against circumvention of the transparency and accountability requirements, contrary to international good practice.⁷⁵

Contestants may also finance their political activities, including campaigns, from their own funds, monetary and in-kind donations, and loans.⁷⁶ Donations from anonymous and foreign sources, public contractors, some civil servants and certain types of entities are prohibited. However, the law does not provide for an effective mechanism to implement the prohibition, and the ODIHR EOM observed several instances of unreported contributions by entities campaigning in favour of the ruling coalition;⁷⁷ and other contestants.⁷⁸ The law only prescribes the publication of donations above one average monthly salary, hindering transparency. Many opposition representatives 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, given the lack of business interests from banks.

Contrary to a long-standing recommendation of ODIHR, there is no limit for campaign expenditures, which led to considerable disparities among contestants.⁷⁹ The late disbursement of public funds, the limited fundraising opportunities for the opposition parties, combined with the absence of limits on campaign expenditures, undermined the possibility of campaigning under just and equal conditions and contributed to an uneven playing field, contrary to international good practice.⁸⁰

To promote a level playing field among contestants, consideration should be given to introducing a campaign expenditure limit. Legal deadlines for distributing public funding for election campaigns should be adjusted to allow meaningful possibilities for campaigning. Safeguards against misuse of public funds allocated for campaign should be introduced in the law.

B. DISCLOSURE AND OVERSIGHT

Pursuant to the February 2022 legislative changes, contestants had to submit an interim campaign finance report to the APC five days before election day. However, interim reports only covered the period until 15 days prior to the elections, leaving most expenditures unreported, including those originating from public funds.⁸¹ The report templates prescribed by the APC were not sufficiently

⁷⁵ The second installment of the campaign funds is disbursed within five days after the announcement of election results, while the final report on campaign financing is only due within 30 days after the announcement of results. Paragraph 279 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “Irregularities in financial reporting [...] should result in the loss of all or part of such funds for the party.”

⁷⁶ 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 electoral contests. In 2022, donations could not exceed approximately RSD 1.5 million (around EUR 12,700) and RSD 4.5 million (around EUR 38,000) from individuals and legal entities, respectively.

⁷⁷ The SNS-run campaign was supported by several celebrities, allegedly supporting the party *pro bono* but known to be beneficiaries of governmental sponsorships, subsidies, projects or awards. See Articles 18 and 19 of the 2004 [UN Convention against Corruption](#) that prohibits the trading of influence and abuse of functions.

⁷⁸ According to the ODIHR EOM findings, in these elections, ten non-profit organizations and one trade union-supported five parliamentary candidate lists by providing volunteers, web pages, premises and equipment, fundraising platforms and brands for campaign purposes, without these being reported by the contestants as in-kind donations. Social media posts sponsored by third parties, primarily by unaffiliated individuals, were disseminated online in favour of a number of contestants.

⁷⁹ Based on the interim reports, the SNS-led coalition spent RSD 93,317,692 (EUR 791,000) on campaigning, while the SPS-led coalition RSD 55,803,290 (EUR 472,890). The costs of campaigns of other contestants varied from RSD 6 million to 14 million (EUR 50,000 to EUR 118,000). The preliminary cost of the incumbent president’s campaign was reported to amount to RSD 49 million (EUR 415,000), while other contestants averaged RSD 6 million (EUR 50,000).

⁸⁰ Paragraph I.2.3.iii of the Venice Commission’s [Code of Good Practice](#) calls for equality of opportunity in public funding of parties and campaigns.

⁸¹ Further, the expenses that are part of the signed but unrealized contracts are not included in the interim reports.

detailed, which led to inconsistent financial information reported by the contestants.⁸² The final campaign reports are due within 30 days from publication of the report on election results and, in line with the law, to be published by the APC within 7 days after submission.

The APC is mandated with the oversight of political and campaign finance. It verifies interim and final financial reports, and publishes the verification results within 120 days after submitting the final reports. In the absence of legal provisions on the matter, the substance and nature of verification were determined by the APC rulebook.⁸³ While the APC 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 most alleged violations.⁸⁴ Due to the lack of expedited deadlines in the Law on Corruption Prevention, some complaints filed by civil society organizations on alleged misuse of administrative resources were not reviewed prior to the elections.⁸⁵ In some cases, the APC established its decisions based on the respondent's explanation, and it adopted some rejections on complaints in the form of notifications rather than administrative decisions, which did not allow appeals, at odds with the OSCE commitments.⁸⁶

The Anti-Corruption Agency should be obliged by law to identify violations proactively and in a timely manner, and respond to complaints by issuing formal decisions, subject to a judicial review. The law should prescribe expedited deadlines for the entire dispute resolution process related to campaign finance violations.

The 2022 LFPA prescribes that donors of funds and services to political entities may be subject to tax control by the Tax Authority. Without clear legal criteria, the selection of donors and the scope of

⁸² This relates, *inter alia*, to a lack of uniformity in the reports with respect to the indication of payments and contractors, reporting of in-kind contributions, and the estimation of costs of services and campaigning by volunteers, organizations supporting the contestants and constituent parties of electoral coalitions.

⁸³ The APC verifies the accuracy of the campaign reports against the documents provided by political parties, banks and contractors and the findings of its observers deployed during the election period. The findings of observers were not published.

⁸⁴ In the campaign period, the APC reviewed 15 complaints concerning alleged misuse of administrative resources and public office, all submitted against the SNS. Four warnings and a fine were issued against the party. The APC informed the ODIHR EOM that it considered the measures sufficient, as the respective posts and videos were removed from the accounts; however, it did not adopt any other measures to prevent similar violations. In nine cases, no violation was established, including in cases when the use of municipal premises was documented and when claims concerned misuse of websites of state institutions and social media accounts of public officials, including the incumbent, for the promotion of the SNS. One complaint alleging the attribution of a municipal project by the SNS for its campaign was dismissed as unsubstantiated. On 1 April, the APC stated to the ODIHR EOM that it had initiated five cases of campaign finance violations based on the observers' findings but did not provide any additional information.

⁸⁵ 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 APC prior to the elections. Paragraph 271 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “The timeline for decisions regarding the regulation of political party activities or their formation shall be stated clearly in law and the process as a whole shall be transparent. This is particularly important given the sensitivity and time-bound nature of the electoral process.”

⁸⁶ By 9 April, nine complaints by CRTA and Transparency Serbia related to alleged misuse of administrative resources by the incumbent and other government officials were dismissed by the APC 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's [Rule of Law Checklist](#) recommends access to judicial review when “discretionary power is given to officials”. Guideline C.iv recommends that public officials “provide adequate reasons for their decisions” and that the absence of reasons provided be grounds for appeal.

control are within the discretion of the APC and the Tax Authority.⁸⁷ The regulation does not ensure legal certainty and leaves room for discretionary and non-uniform implementation. Many opposition representatives alleged to the ODIHR EOM that the tax control provisions may have discouraged potential donors from supporting the opposition parties.

X. MEDIA



A. MEDIA ENVIRONMENT [Click Here to Read Media Monitoring Results](#)

The media landscape comprises a large number of broadcasters and a growing number of online outlets.⁸⁸ Television remains the primary source of information, followed by social networks.⁸⁹ The media scene is polarized, and the diversity of views is limited by the narrow reach of the media which is not closely associated with the ruling parties. The dominant private TV channels with national coverage tend to support government policies, which influences the agenda of public debate and undermines the media's watchdog role.⁹⁰ Many ODIHR EOM interlocutors noted that the private ownership of local media has not led to a greater diversity of views.⁹¹ The advertising market is limited, which contributes to media outlets' dependence on public co-funding. Most opposition representatives highlighted their chronic lack of access to the national private and public broadcasters to present their views between elections.⁹²

The competent state authorities should contribute to the strengthening of media pluralism by further increasing media ownership transparency, promoting diversity of political content in the media, and systematically monitoring broadcasters' compliance with their legal obligations.

Most ODIHR EOM interlocutors described a rapid deterioration of the right to freedom of expression over the past years.⁹³ Several journalists asserted that access to information from state entities had become increasingly difficult; the authorities often disregard or deny requests to access public information, citing confidentiality or privacy restrictions.⁹⁴

⁸⁷ The law does not stipulate any deadlines for tax control. While the APC stated to the ODIHR EOM that the choice of the donors for the tax control is within the competence of the Tax Authority, according to the Tax Authority, the selection of donors shall be determined by the APC, on the basis of the verifications of financial reports. The Tax Authority informed the ODIHR EOM of its plans to develop guidelines for tax controls of donors to political entities.

⁸⁸ Serbia has some 2,500 registered media outlets, including over 750 audio-visual media service providers.

⁸⁹ According to an IPSOS 2021 [opinion poll](#), television stands out as the most frequently used source of information, with 72 per cent of surveyed citizens using it daily. Social networks are second with 49 per cent, while 41 per cent view and read online media.

⁹⁰ According to the [Nielsen Television Audience Measurement](#), *RTV Pink*, *TV Prva*, *Happy TV*, and *TV B92*, together with public *RTS1* and *RTS2*, recorded an audience share of some 57 per cent in 2021.

⁹¹ Serbia's new [Public Information System Strategy](#) was adopted in January 2020. Its action plan was passed in December 2020 to address issues related to the transparency in ownership structures, financing of media content and advertising from state resources.

⁹² The 2021 European Commission [Report on Serbia](#) highlighted that political and economic influence over the media continues to be a source of concern.

⁹³ International organizations and domestic civil society organisations monitoring press freedom noted a trend of deteriorating freedom of expression in Serbia.

⁹⁴ 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), submitted by citizens, lawyers and the civil society, including 337 complaints filed by journalists and media representatives. The 2021 amendments to the Law on Free Access to Information of Public Importance provide the Commissioner with broader powers to file indictments and initiate misdemeanour proceedings against public authorities. As these provisions were implemented only in February 2022, their impact remained limited for these elections. See also the 2021 European Commission's [Report on Serbia](#) pointing out that the frequent refusal by public bodies to disclose information continues to hinder the work of journalists.

Several instances of intimidation and threats against journalists occurred during the election period, and especially after election day.⁹⁵ In addition, the ODIHR EOM received various reports about verbal attacks by officials, online harassment and smear campaigns against journalists.⁹⁶ Despite a number of mechanisms in place, including a helpline maintained by the Association of Independent Electronic Media for journalists to report threats and attacks, many journalists noted a climate of vilification, reinforcing the chilling effect on critical voices.⁹⁷

State bodies should publicly and strongly condemn all threats against journalists and put in place effective measures to protect journalists against attacks aimed at silencing them, including by prosecuting perpetrators.

B. LEGAL AND REGULATORY FRAMEWORK

The legal framework for the media coverage of elections consists primarily of the election law, the Law on Electronic Media (LEM) and the Law on Public Service Broadcasting. The law requires broadcast media to provide information on contestants in a non-discriminatory and objective manner and public media to offer equal airtime for contestants to present their platforms. December 2021 legal amendments oblige the outlets to publish their advertising rates prior to the campaign and prohibit the media from covering opening or inaugurating events by state officials, who are also candidates, but only during the last 10 days before election day. Given the short timeframe and extensive media coverage of such events before the period of prohibition, this provision was insufficient to effectively address the significant and undue advantage of incumbency.

The regulation of the media coverage of officials who are also candidates could be further strengthened, including by extending the ban on the media coverage of all opening and inaugurating events for the entire duration of the campaign period.

The REM is vested with oversight of the broadcast media and adjudication of media-related complaints, but its mandate with regard to the monitoring of election campaigns is not clearly defined by the law. The REM remained passive overall in regulating media conduct during the campaign; it swiftly reacted only to one case of campaign silence breach by a cable TV channel.⁹⁸ Following a political agreement on 18 September 2021, a Temporary Supervisory Authority for Media Monitoring during the Election Campaign (TSA) was set up by the government to monitor media compliance with the campaign

⁹⁵ A journalist informed the ODIHR EOM of direct threats in the run-up to the elections by persons associated with the ruling coalition, in connection with reporting on local affairs. Post-election day incidents include death threats on journalists of the *NITV* on 18 April, the newspaper *Danas* on 22 April and a physical attack on the building of the Hungarian Media House in Subotica on 17 April.

⁹⁶ On 28 April, the OSCE Representative on Freedom of the Media (RFoM) issued a [statement](#) expressing concerns about the targeting of media workers in Serbia.

⁹⁷ In December 2020, a working group to monitor issues related to the safety of journalists was established under the auspices of the prime minister, composed of representatives of various ministries, the Public Prosecutor, the Citizen Protector, the Association of Judges and Prosecutors, as well as representatives of media associations. In March 2021, most media associations withdrew from the working group, citing continued hate speech and smear campaigns against journalists and civil society representatives by high-ranking state officials.

⁹⁸ The REM [published](#) 11 complaints received in the campaign period, filed by CRTA (7 submitted on 8 March and 4 on 31 March); none were adjudicated prior to the elections. On 1 April, the REM reprimanded *Nova S* for the re-broadcast of an election programme aired earlier, in violation of the campaign silence period. Airing of opinion poll results on *TV B92*'s news programme and re-broadcasts of a programme with campaign content on *Happy TV*, both on 1 April, was also found by the REM as violating campaign silence; however, the respective decisions were taken only after the elections, on 4 April. The REM informed the ODIHR EOM that, due to compulsory legal procedures to be observed, the minimum period to adjudicate a complaint is 21 days, except for campaign silence violations.

regulations only for these elections.⁹⁹ The TSA had no enforcement powers; this, combined with frequent disagreements between the members appointed by the REM and the opposition parties in the campaign period, mainly regarding the media coverage of the state officials, significantly undermined its effectiveness.¹⁰⁰

The independence of the Electronic Media Regulatory Authority (REM) should be strengthened. Its responsibilities during the campaign period should be explicitly defined by law and extend to all aspects of the broadcast media coverage of elections. The REM should proactively use its legal powers to act ex officio on violations of media regulation, based on its systematic monitoring.

In line with law, an Election Campaign Oversight Board, composed of members nominated by parliamentary groups, started its activities on 28 February; it had a limited mandate to issue warnings and initiate proceedings through the state authorities on matters related to campaign in public media. The board held six sessions during the campaign period and discussed several notifications from civil society and REM media monitoring reports. It issued three non-binding guidelines on media conduct during the campaign, but did not initiate any proceedings with the respective authorities.

C. MEDIA MONITORING

Most TV stations combined information about the presidential and early parliamentary campaigns in their news coverage. According to the ODIHR EOM media monitoring analysis, the national public broadcasters Radio Television Serbia (RTS) and Radio Television Vojvodina (RTV) covered the activities of all election contestants equitably, in line with the law.¹⁰¹ The public media also invited contestants to participate in special election programmes and debates. However, at odds with the REM regulations, the public media provided uncritical and extensive news coverage to public officials, many of whom also stood as candidates.¹⁰² *RTS1* allocated almost 50 per cent of the primetime political news programmes to the incumbent president and 23 per cent to the government, while *RTV1* allocated 44 per cent to incumbent president, 33 per cent to the government and 15 per cent to local authorities, portrayed by both channels in either positive or neutral manner.

Most private broadcast media presented the election campaign in regular news programmes through short clips produced directly by the contestants, lacking editorial input. *RTV Pink* granted approximately 5 hours to various electoral contestants to present their election platforms. Private TV channels with national coverage (*TV B92*, *Happy TV*, *RTV Pink* and *TV Prva*) focused their news coverage on state officials, many of them standing as candidates, often promoting governmental projects. They allocated some 90 per cent of coverage in news programmes to the president and governmental officials,

⁹⁹ The TSA was composed of 12 members: 3 proposed by opposition parties participating in the inter-party dialogue facilitated by the European Parliament; 3 by opposition parties from the dialogue under the auspices of the speaker of the parliament, and 6 appointed by the REM.

¹⁰⁰ Opposition-nominated TSA members criticized that while the REM's campaign reports provided data on coverage of electoral contestants, they offered limited information on state officials. Furthermore, opposition-nominated members questioned the selection of some channels included in the sample of monitoring by the REM, alleging that it was not based on objective criteria and created a misleading perception of pluralism. Some TSA members nominated by the opposition proposed to the REM to monitor different cable TV channels for more diversity; the REM did not respond to the request.

¹⁰¹ From 4 March, the ODIHR EOM monitored the primetime (18:00–24:00) broadcasts of the public *RTS1* and *RTV1*; the national private TV channels *TV B92*, *Happy TV*, *RTV Pink* and *TV Prva*, and the main news programmes of cable TV channels *Euronews Serbia*, *Insajder TV*, *TV N1*, *TV Nova S*, *Kurir TV* and *TV Vesti*.

¹⁰² The REM [rulebook](#) for election campaigns in public media, adopted by the REM prior to the elections, prohibits news reporting that provides a privileged position to government officials.

portraying them generally positively.¹⁰³ This privileged treatment of public authorities by the broadcasters is at odds with international good practice.¹⁰⁴

Among cable TV networks, *TV Vesti* demonstrated a pro-government editorial approach, with some 70 per cent of its news coverage devoted to the incumbent and 25 per cent to governmental officials, in a largely positive tone. *Kurir TV* and *Euronews Serbia* showed a similar approach in terms of tone but were overall more balanced in their news coverage.¹⁰⁵ *TV Nova S* and *NI* presented a more critical portrait of the authorities, especially *NI*, which gave its most significant share of news coverage to UZPS (28 per cent), presenting it mainly positively. *Insajder TV* did not present regular news but aired election-related talk shows with various contestants and offered voter information programmes, prepared jointly with CRTA.

Some private broadcast media outlets invited the contestants to present their views in interviews or talk shows. Some participants from the opposition refused to participate, citing an overall bias.¹⁰⁶ The ruling coalition's candidates remained largely absent from cable TV channels with more critical editorial policies, narrowing voters' possibility to compare different views.

Most newspapers openly promoted the incumbents, whose image was critical only in two (*Nova* and *Danas*) out of ten newspapers monitored by the ODIHR EOM.¹⁰⁷ The combined positive and neutral coverage of the SNS-led list and the president exceeded 76 per cent in eight dailies.

XI. NATIONAL MINORITIES

The Constitution provides for full political, civil and social rights to persons belonging to national minorities. There are 23 national minorities in Serbia, which have constituted and exercise their rights through their respective National Minority Councils.¹⁰⁸ There were three national minority parties and one coalition in the outgoing parliament representing the Albanian, Bosniak, Hungarian and Macedonian communities; the Roma had no political party in the parliament.¹⁰⁹ In 2022, 70 out of the 116 registered political parties were registered as representing national minorities.

¹⁰³ *TV B92, Happy TV, RTV Pink* and *TV Prva* showed a clear bias in favour of the incumbent in their news programmes. *TV B92, RTV Pink* and *TV Prva* devoted approximately 80 per cent of their coverage of Serbian political actors to the president, while *Happy TV* 36 per cent.

¹⁰⁴ The Council of Europe recommendation [CM/Rec\(2007\)15](#) of the Committee of Ministers to member states on measures concerning the media coverage of election campaigns states that “no privileged treatment should be given by broadcasters to public authorities during news and current affairs programmes”.

¹⁰⁵ *Kurir TV* provided almost 50 per cent of its coverage to the incumbent president, and 10 per cent to the government, portraying them in a largely positive or neutral light. *Euronews Serbia* gave 30 per cent to the incumbent president and almost 25 per cent to the government, in a positive or neutral tone.

¹⁰⁶ Marinika Tepić (lead candidate of UZPS), Boško Obradović (presidential candidate of Patriotic Bloc), Zoran Lutovac (chairman of the DS, member of the UZPS coalition) announced that they would not participate in *RTV Pink* programmes. Marinika Tepić and Dragan Đilas (UZPS) refused to participate in some election programmes on *Euronews Serbia*.

¹⁰⁷ The ODIHR EOM monitored the front pages of ten daily newspapers: *Alo, Blic, Danas, Informer, Kurir, Nova, Objektiv, Politika, Srpski Telegraf*, and *Večernje Novosti*.

¹⁰⁸ 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.

¹⁰⁹ In February 2022, the government adopted a [national strategy](#) for the social inclusion of Roma for the period between 2022 and 2030.

The legislation provides special measures for promoting minority participation in public life, including preferential criteria for party registration and parliamentary seat distribution.¹¹⁰ Many ODIHR EOM interlocutors, including the REC, stated that some political entities that do not belong to minorities intended to misuse the preferential provisions for accessing the related benefits. The February 2022 legislative changes established additional criteria for the REC to determine if a parliamentary candidate list is eligible for national minority status, partially addressing a prior ODIHR recommendation.¹¹¹ However, the law also provides the REC with wide discretionary powers to interpret and implement these provisions.¹¹²

In total, 11 candidate lists applied for national minority status. To determine their eligibility, the REC decided to verify if individual candidates had been registered in the special voter register to elect National Minority Councils.¹¹³ However, this criterion is not explicitly prescribed by the law and had not been made public by the REC, undermining legal certainty. In addition, the REC applied this requirement inconsistently, for certain contestants only.¹¹⁴

Five parties and three coalitions registered candidate lists with a national minority status, two representing the Albanian, two the Bosniak, one the Hungarian, one the Roma, one the Russian (in coalition with a Greek party) and one the Croat and Ruthenian communities jointly. The REC initially denied the national minority status of four contestants, but in one case, following an appeal submitted by the nominator of the list, the minority status was subsequently granted by the Administrative Court (see *Candidate Registration* section). One Albanian coalition, two Bosniak lists, the Hungarian party and the Croat–Ruthenian coalition won seats in the parliament, with a total of 13 elected members of parliament, including three women. No political entity represents the Roma community in the newly elected parliament.

In line with the election law, the REC prepared multilingual voter information 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.

XII. 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 and other

¹¹⁰ National minorities can register a political party with 1,000 support signatures from voters, ten times less than other parties. Parliamentary candidate lists with national minority status are exempt from the 3 per cent threshold requirement for seat distribution; such lists are also awarded an additional 35 per cent of the votes they received, in case they did not exceed 3 per cent of all votes cast. The February 2022 legislative changes reduced the number of support signatures required to register national minority candidate lists from 10,000 to 5,000.

¹¹¹ The law mandates the REC to make an overall determination whether the main goal of the list is to represent the interests and protect the rights of national minority members. Candidate lists must be submitted by a political party or coalition of national minority parties and the list leader and candidates should not be “generally known” to be members of a mainstream political party.

¹¹² The law authorizes the REC to refuse the national minority status of a list if there are “other circumstances” that undoubtedly indicate the submitter’s intention to circumvent the law.

¹¹³ The registration in 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.

¹¹⁴ Applying this criterion, the REC rejected the applications for minority status of the “Russian Party – Slobodan Nikolić”, the RMS, the “National Front – MOST”, and the Green Party of Serbia. The REC chairperson publicly acknowledged in a session that the candidates on the list of the Roma Party had not been screened for this criterion and such an “additional check” had been performed only in case of doubt whether a candidate list represented the interests of a national minority.

election violations; in contrast, citizen observers do not have the right to file complaints.¹¹⁵ Prior to election day, complaints could be filed with the LECs, the REC and the Administrative Court. Complaints against the parliament's decision 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 prior to election day. 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 results protocols and LEC decisions on tabulation of results. In line with international good practice and a previous ODIHR recommendation, the REC has provided templates for various types of complaints.

Prior to the 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; two complaints were submitted against the denial of registration of a contestant.¹¹⁶ Lastly, one complaint challenged an LEC decision to establish several polling stations without an explicit REC approval, as required by the law.¹¹⁷ All complaints were reviewed on merits and were rejected by the REC as unsubstantiated; one was dismissed on technical grounds, and one was upheld.¹¹⁸ All REC decisions were appealed to the Administrative Court. Of them, the court dismissed two on technical grounds;¹¹⁹ rejected four on merits;¹²⁰ and upheld one appeal.¹²¹ The REC reviewed complaints in open sessions, respecting due process. It maintained a timely updated public database of complaints filed to election commissions and the Administrative Court, contributing to transparency.¹²² The Administrative Court reviewed all cases in closed sessions, contrary to a previous ODIHR recommendation and international good practice.¹²³

In line with international good practice, the Administrative Court should be legally bound to review all election-related cases in public hearings whereby the parties have the right to be heard.

¹¹⁵ 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.

¹¹⁶ Namely, against the registration of the lists of the SNS and SPS-led coalitions, alleging that they could not possibly have 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 Mr. Vučić's registration as presidential candidate, 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.

¹¹⁷ *Moramo* filed a complaint against the LEC Bela Palanka's decision of 24 February, designating 10 polling stations with less than 100 voters each.

¹¹⁸ In the dismissed case, the personal information of the complainant was incomplete. The REC upheld the complaint by RMS against the LEC decision denying to appoint their PB members.

¹¹⁹ 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.

¹²⁰ 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.

¹²¹ 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.

¹²² The Administrative Court informed ODIHR EOM of its practice to regularly publish its decisions on its website after informing the contesting parties.

¹²³ 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 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."

Despite numerous allegations of serious electoral offences made public by civil society and opposition parties, including on voter intimidation, misuse of administrative resources and vote buying, the Prosecutor's Office informed the ODIHR EOM on 12 April that it received only seven complaints on which it requested additional information but that nobody was indicted subsequently.¹²⁴ The Ombudsman informed the ODIHR EOM that it did not receive any reports about violations of election-related rights. Several ODIHR EOM civil society and opposition interlocutors noted that the citizens were reluctant to report cases of intimidation and other abuses due to fear of retribution and 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.¹²⁵

The competent authorities should take prompt and effective steps to investigate allegations of offences, including voter intimidation and vote buying. Perpetrators should be held accountable in a timely manner. The Ombudsman should adopt a proactive approach, including by voter information campaigns, to encourage voters to report such violations.

XIII. ELECTION OBSERVATION

Following the February 2022 legislative changes, the law provides for citizen and international observation and guarantees observers unhindered access to the entire election process, in line with prior ODIHR recommendations. Civil society organizations registered with a statutory purpose related to elections may nominate observers no later than seven days prior to the elections.¹²⁶ Following the February 2022 legislative changes, the law allows observers to obtain new accreditation for repeat elections and the potential second round of a presidential election.

The REC accredited citizen observer organizations in an inclusive manner. CRTA, the Center for Free Elections and Democracy (CeSID) and the Bureau for Social Research (BIRODI) carried out long-term observation activities, primarily focusing on the work of the election administration, electoral campaign and media coverage of the campaign. CRTA and CeSID, with some 3,000 and 1,000 observers, respectively, fielded the largest observer groups on election day. The REC accredited 4,687 observers from 9 civil society organizations and 531 international observers from 23 organizations. ODIHR observers noted that not all PB members were familiar with the regulations and procedures related to election observation, which, in some cases, resulted in the refusal of ODIHR and citizen observers at

¹²⁴ Based on information provided by the prosecutor to the ODIHR EOM, in relation to the 2020 elections, 100 cases were reported, mainly on voter intimidation and election fraud, but nobody was indicted.

¹²⁵ See also the 2021 European Commission [report on Serbia](#), 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.” [...] “The Ombudsman Office needs to be strengthened and its independence guaranteed, including via the allocation of the necessary financial and human resources.”

¹²⁶ The law does not explicitly regulate the accreditation process; observer groups were accredited through an administrative procedure without a REC decision, potentially leaving any rejected applicants without a legal remedy, challenging Article 2(3) of the 1969 [ICCPR](#).

polling stations on election day.¹²⁷ Citizen observer groups reported some instances of intimidation and threats against their observers before and on election day.¹²⁸

XIV. ELECTION DAY

Election day was well organized and peaceful overall, with the exception of some incidents, including physical attacks on two parliamentary candidates and one PB member.¹²⁹ The campaign silence on election day and in the preceding two days was largely respected, with the exception of some violations committed by media outlets (see *Media* section). IEOM observed opening in 137 polling stations, voting in 1,411 polling stations, counting in 121 polling stations and tabulation in 89 LECs.

A. OPENING AND VOTING

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

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, due to systemic deficiencies related to polling station layout, overcrowding, breaches in the secrecy of the vote and group or family voting. In a few isolated cases, ODIHR EOM observers noted the same persons assisting multiple voters when voting and observed cases of vote buying. In total, 46 per cent of the PB members 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 many PBs resulted in inconsistent implementation of necessary safeguards related to the integrity of the process. In 16 per cent of the observations, ballot boxes were not properly sealed. In 10 per cent of the observations, voters' fingers were not always checked for traces of invisible ink. In 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 procedure and their right to vote in secret, this was not applied in almost half of the polling stations observed. ODIHR EOM observers noted a considerable number of instances of group or family voting, occurring in 20 per cent of the polling stations observed, mainly impacting women and elderly voters.

¹²⁷ On election day, at five polling stations, ODIHR observers were refused access or asked to leave for not being in the official list of accredited observers or because PBs did not accept the accreditation badges issued by the REC. In some cases, PBs required observers to sign a protocol stating that they did not have any objections to the process. CRTA informed the ODIHR EOM that its observers were not allowed to operate in some 30 PSs during the opening and were prevented from observing at some 15 polling stations during voting as they were required to sign the protocol stating that they did not have any objections to the process. Positively, the REC promptly reacted to all reported instances to ensure observers' access.

¹²⁸ CRTA informed the ODIHR EOM about three cases of observers being intimidated before or on election day to prevent deployment to polling stations, by perpetrators allegedly associated with local authorities or PB members. In addition, the organization reported intimidation or verbal attacks by PB members in five polling stations and by unknown persons in front of other three polling stations on election day.

¹²⁹ The media reported that two parliamentary candidates and one PB member from the coalition *Moramo* and UZPS 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 person.

In 28 per cent of the observations, not all voters marked their ballots in secrecy, which is a high number and of concern. Secrecy of the vote was compromised by inappropriate positioning of the voting screens in 23 per cent of polling stations observed and by overcrowding or insufficient distance between voters when voting and PB members in 18 per cent. In 11 per cent of the observations, voters did not properly fold the ballots before casting them, thus potentially revealing their choice to those present. In 2 per cent of the observed polling stations, persons other than the designated PB member kept track of those who voted, potentially indicating pressure on voters. ODIHR EOM observers had indications or heard that voters took pictures of their ballots in some 2 per cent of the polling stations. PB members or party supporters were seen attempting to influence the will of the voters in a few isolated cases.

The polling station layout was inadequate in 12 per cent of observations, mainly due to the small size of the voting premises. This, combined with the high number of PB members, resulted in queueing and overcrowding in 16 per cent of the observations.¹³⁰ The election law does not provide for any assistive tools for voters with visual or cognitive impairments. Despite efforts of the election administration to improve accessibility, ODIHR EOM observers reported that some 63 per cent of the polling stations did not allow for independent access for persons with physical disabilities and in 27 per cent, the layout was not suitable for such voters.¹³¹

Further efforts should be made to allocate adequate premises for polling stations in order to prevent overcrowding, ensure the secrecy of the vote and provide easy independent access for voters with physical disabilities.

B. COUNTING AND TABULATION

Polling stations generally closed on time. Vote count was assessed positively in 96 of the 121 polling stations visited by the IEOM observers. In 4 of the 16 polling stations observed, where voters waited to vote after 20:00, they were not allowed to cast their ballots.

In some cases, in an 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). IEOM observers further noted diverse handling of situations, especially the extraordinary ones, highlighting the lack of uniform guidance on several aspects of the process.¹³²

In 28 observations, transparency during the vote count was undermined by rushed or concurrently conducted procedures and overcrowding. Citizen observers were present during the count in one-third of the polling stations observed. In 34 cases, PBs had difficulties reconciling the results; in 16 cases, the results entered on the protocol did not reconcile. In 17 polling stations, PB members pre-signed the results protocols before the count was finished; in 12 cases, the minimum number of PB members did not sign the results protocol, at odds with the legal provisions. Thirteen PBs observed did not correctly pack and seal the election material before transferring it to LECs.

¹³⁰ This was noted as a particularly acute problem at polling stations set up for voters residing in Kosovo.

¹³¹ Since 2020, the REC ordered the local administrations to conduct [accessibility assessment](#) of polling stations against a standardized questionnaire, developed in cooperation with organizations of persons with disabilities, every two years.

¹³² Such occurrences included instances of ballots from other electoral races inserted into wrong ballot boxes and inconsistent procedures if these were counted as valid ones; different interpretations of who was allowed to assist voters to mark the ballot, and confusion over the responsibility to sign the results protocol by the PBs.

The handover of the election material and the tabulation process, observed in 89 LECs, was generally well-organized. Due to inadequate premises and overcrowding, the ODIHR observers negatively assessed the procedures in 7 cases. The new election law prescribes detailed procedures for verification of results protocols and correction of identified discrepancies, including recounts performed by the LECs if necessary, as well as criteria for annulment of voting and repeat voting. Discrepancies in some of the results protocols submitted by PBs were observed in 33 LECs visited.¹³³ In several instances, the LECs lacked a unified approach concerning corrections of mistakes and discrepancies in the results protocols.¹³⁴

To ensure consistency of the voting, counting and tabulation processes, the REC should promulgate clear, consistent and timely instructions and decisions on all election-day procedures that are not sufficiently regulated by the statutory law.

XIV. POST-ELECTION DAY DEVELOPMENTS

Acting within the bounds of the law, but departing from a prior practice, the REC did not publicly announce the preliminary results and turnout following the closing of the polls, which was criticized by many ODIHR EOM interlocutors from the opposition and the civil society. President Vučić claimed victory on election night, based on unofficial data. The election administration began publishing online aggregated preliminary election results a few hours after the closing of the polls. PB results protocols and the LEC decisions on corrections were scanned and uploaded to the REC website in a timely manner, but the preliminary results per polling station were not published in any other digital formats.¹³⁵ In accordance with the legal deadline, the REC announced the preliminary results for the presidential and early parliamentary elections on 4 April. The preliminary turnout was announced only on 4 April as 58.6 per cent for both elections. The absence of turnout data after the polls closed and before the processing of election results reduces transparency and removes an important reconciliation check that serves as a safeguard for the integrity of election results.

The Republic Electoral Commission should publish the preliminary turnout data as soon as possible after the closing of the polls. To further enhance transparency and trust in the results tabulation process, the REC should consider publishing preliminary election results disaggregated per polling station in an accessible format as they become available.

Pursuant to the February 2022 legislative changes, contestants and voters could file complaints with the corresponding LECs about irregularities during voting and counting and against PB, LEC and REC decisions, including on the announced results, annulments of voting and inability to determine PB results. Such complaints and appeals could be submitted with the LECs for the first time, the REC or the Administrative Court. In line with international good practice and a previous ODIHR recommendation, deadlines of 72 hours were applicable for filing and reviewing complaints, providing sufficient time to the complainant and the adjudicating bodies. The law grants contestants the right to request annulment of voting in individual polling stations for any irregularity during voting, and in case

¹³³ According to the REC, 467 protocols (5.6 per cent) for the presidential election and 488 protocols (5.9 per cent) for the early parliamentary elections required corrections by the LECs.

¹³⁴ The ODIHR observers reported that while most LECs had proceeded to resolving the inaccuracies in presence of respective PB members immediately upon receipt of the election material, a few had postponed decisions on such cases to the following day, after prolonged suspensions of the tabulation process.

¹³⁵ Disaggregated data per municipality and respective polling stations as spreadsheets were uploaded online only once the final results were confirmed by the REC.

voters were prevented from voting or if their right to free and secret voting was violated. Such broad grounds for annulment of voting are at odds with international good practice.¹³⁶

The LECs received some 300 and the REC some 120 complaints, mainly requesting the annulment of voting in polling stations, most of which were denied.¹³⁷ In a narrow interpretation of the law, the LECs and the REC considered that the authorization to file complaints did not include requests for annulment of voting, even though this was the only possible legal remedy for irregularities on election day. The vast majority of the complaints were dismissed by the LECs and the REC on technical grounds, including lack of authorization, incomplete personal information of the submitter and lack of evidence. Dismissing complaints on technical grounds constitutes a formalistic approach at odds with international good practice.¹³⁸ The alleged irregularities included improperly sealed ballot boxes, mobile voting irregularities, group voting, non-registered voters allowed to vote and voter intimidation. If proven, most of these irregularities would constitute criminal offences that require reporting to the police and the prosecutor in order to conduct prompt investigations. Subsequently, 14 REC decisions not to grant annulment were appealed to the Administrative Court, which reviewed them in closed sessions and rejected all appeals but two.¹³⁹

The election administration should take measures to enhance the effectiveness of dispute resolution, by substantive reviewing all election-day related complaints and facilitating the reporting of administrative and criminal offences to the competent authorities.

The REC reviewed all complaints in public sessions and promptly published information in its complaints register. However, the REC complaints register did not contain any information on complaints filed to LECs, detracting from transparency.¹⁴⁰

Measures could be considered to enhance the transparency of the post-election dispute resolution, including by publishing comprehensive information on complaints filed to LECs in the REC's complaints register.

The law prescribes that voting had to be repeated in polling stations where the election results could not be determined, or the results were annulled by a decision of the respective LEC due to the legally-defined procedural irregularities. The election results could not be established in 12 polling stations for the presidential election and 30 polling stations for the early parliamentary elections.¹⁴¹ The LECs *ex officio* annulled the results of 23 polling stations in the presidential election and 24 polling stations in the early parliamentary elections.¹⁴²

¹³⁶ Section 3.3.e. of the Venice Commission's [Code of Good Practice](#) states: "The appeal body must have authority to annul elections where irregularities may have affected the outcome."

¹³⁷ On 21 April, the Court upheld the appeal of the "Coalition of Albanians of the Valley" requesting annulment of voting in a polling station in Bujanovac, alleging that the first voter who signed on the control sheet was a PB member, at odds with the legal provisions. The complaints had been previously rejected by the LEC and the REC on the grounds that the alleged irregularity was insignificant.

¹³⁸ Section 3.3.b. of the Venice Commission's [Code of Good Practice](#) states: "The procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals."

¹³⁹ The Administrative Court informed ODIHR EOM that it received 51 appeals against REC decisions, of which 2 appeals were upheld, 14 were rejected, 33 dismissed, and 2 were forwarded to other competent authorities.

¹⁴⁰ LEC decisions on administrative matters and complaints were published on the REC website only as scanned copies.

¹⁴¹ According to the LEC decisions, 3 PBs did not submit the results protocols; in 29 cases, the results protocol was not signed by the required number of PB members; and 9 protocols contained irreconcilable errors. The polls did not take place at one polling station.

¹⁴² Following the inspection of election material conducted at the LECs, including recounts, the grounds for annulment were higher numbers of ballots in the ballot boxes than the number of voters who voted in 35 cases; in 9 polling stations, the control sheet for the ballot box was either not found or was not properly signed; and in 3 polling stations, voters who were not registered in the voter lists were allowed to vote.

On 16 April, repeat voting was held in 67 polling stations in 32 municipalities. In 15 of these polling stations, the voting was repeated for both the presidential and early parliamentary elections. In addition, following the Administrative Court decision of 21 April, the polling station No. 6 in Veliki Trnovac (Bujanovac municipality) repeated voting for the early parliamentary elections on 28 April.¹⁴³ Due to procedural irregularities, the voting in this polling station was once again repeated on 27 May and also a third time on 30 June.¹⁴⁴ The three repeat elections at the same polling station caused a significant delay in announcing the final results for the parliamentary elections and the constitution of the new parliament. The REC announced the final election results of the presidential election on 9 May and 5 July for the early parliamentary elections; the final voter turnout was 58.6 per cent for both elections. The parliament was constituted on 1 August, almost four months after the elections.

In order to reduce or eliminate the need for repeat elections, consideration could be given to amending the law to prescribe that the voting is repeated only in case of serious irregularities that may affect the election outcome, after exhausting all other measures, such as examination of the election material, and formalized recounts of the votes cast.

XV. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Serbia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed. ODIHR stands ready to assist the authorities of Serbia to further improve the electoral process and to address the recommendations contained in this and previous reports.¹⁴⁵

¹⁴³ [According to CRTA](#), the repeat elections of 28 April were marred by procedural irregularities, such as voting without proper ID documents, voter impersonation, group or family voting and multiple voting.

¹⁴⁴ While on 4 May the LEC Bujanovac rejected the complaint of the SPS-led coalition requesting the annulment of the 28 April voting result at the PS on the grounds that the PB had allowed a voter without proper identification documents to vote, on 9 May, the REC overturned the Bujanovac LEC's decision and called a repeat election. The REC decision was challenged by the Coalition of Albanians of the Valley at the Administrative Court which, however, on 18 May, upheld the REC decision. Subsequently, the Coalition of Albanians of the Valley requested the annulment of the results of the 27 May voting, claiming procedural irregularities; the complaint was rejected by the LEC on 2 June and by the REC on 9 June. Yet, on 17 June, the Administrative Court ordered the REC to re-examine its decision. The REC reverted its decision of 9 June and ordered the repeat of the elections at the polling station once again on 23 June. Due to an anonymously reported bomb threat in the morning of 23 June at the school where the voting premises were located, the election process was cancelled and then postponed for 30 June. As a final result of the election in this polling station, the "Coalition of Albanians of the Valley" obtained one seat in the parliament.

¹⁴⁵ In paragraph 25 of the 1999 [OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: recommendations 8, 11, 14 and 20 from the final report of the 2016 early parliamentary elections, recommendations 10, 12 and 19 from the final report of the 2017 presidential election and recommendations 9, 12, 26 and 27 from the final report of the 2020 parliamentary elections are fully implemented. Recommendations 1, 3, 7, 22 and 25 from the final report of the 2016 early parliamentary elections, recommendations 1, 8 and 9 from the final report of the 2017 presidential election and recommendations 1, 2, 8, 11, 13, 16, 19 and 29 from the final report of the 2020 parliamentary elections are mostly implemented. Recommendations 2, 4, 5, 9, 10, 15, 16, 17, 18, 19, 21, 23 and 24 from the final report of the 2016 early parliamentary elections, recommendations 3, 7, 11, 13, 16 and 20 from the final report of the 2017 presidential election and recommendations 3, 5, 6, 14, 18, 20, 22, 23, 24, 25 and 28 from the final report of the 2020 parliamentary elections are partially implemented. See also the ODIHR [Electoral Recommendations Database](#).

A. PRIORITY RECOMMENDATIONS

1. To enhance legal certainty and provide equal opportunities for electoral contestants, the legislation could benefit from a further review to address challenges related to misuse of administrative resources and access to media, and eliminate remaining gaps and inconsistencies, well in advance of the next elections, and within an inclusive and transparent consultation process.
2. To ensure consistent application of election day procedures and enhance the professional capacity of the election administration, standardized mandatory training could be considered for all Local Electoral Commission and Polling Board members and prospective members, including the extended compositions.
3. To address concerns over the accuracy of voter lists and increase public confidence, the authorities should facilitate the conduct of a full audit of the Unified Voter Register and the civil register as soon as practically possible, with the participation of relevant stakeholders, including political parties and civil society.
4. Authorities should take measures to prevent misuse of office and state resources. The law should provide for a clear separation between the official functions and campaigning activities of the incumbents. Violations should be proactively prevented and addressed by the relevant authorities through proportionate and dissuasive sanctions.
5. Authorities should put in place and implement effective legal and institutional oversight mechanisms to prevent intimidation and pressure on voters, including employees of public and state institutions and enterprises.
6. To ensure legal certainty and campaign finance accountability, the legislation should be further reviewed to address gaps and prior ODIHR and GRECO recommendations, including by explicit regulation of third-party campaigning and provisions on effective, proportionate and dissuasive sanctions for violations and inadequate reporting. To allow effective implementation, the Criminal Code should be brought in line with the Law on Financing of Political Activities.
7. The independence of the Electronic Media Regulatory Authority (REM) should be strengthened. Its responsibilities during the campaign period should be explicitly defined by law and extend to all aspects of the broadcast media coverage of elections. The REM should proactively use its legal powers to act ex officio on violations of media regulation, based on its systematic monitoring.
8. To ensure consistency of the voting, counting and tabulation processes, the REC should promulgate clear, consistent and timely instructions and decisions on all election-day procedures that are not sufficiently regulated by the statutory law.
9. The election administration should take measures to enhance the effectiveness of dispute resolution, by substantive reviewing all election-day related complaints and facilitating the reporting of administrative and criminal offences to the competent authorities.

B. OTHER RECOMMENDATIONS

Election Administration

10. To enhance the effective exercise of voting rights, the REC should develop and implement a timely, comprehensive and targeted voter education programme, including on voters' rights, the prevention of group voting, and the importance of voting by secret ballot.

11. The REC, the state and local authorities, in co-operation with the relevant disability organizations, should undertake further measures to ensure independent access of persons with various types of disabilities to the entire election process. Election authorities should provide detailed election information in various accessible formats.

Voter Registration

12. The legislation should be further harmonized with the objectives of the UN Convention on the Rights of Persons with Disabilities by removing all remaining restrictions on voting rights on the basis of intellectual or psychosocial disability.
13. To guarantee universal suffrage and prevent undue disenfranchisement or unequal treatment of voters, consideration should be given to introducing objective, reasonable and non-discriminatory procedures for inclusion in the voter lists of citizens without permanent residence and opportunities for these citizens to exercise their voting rights.

Candidate Registration

14. To further promote pluralism in the electoral process and freedom of association, consideration could be given to removing the restriction against signing in support of more than one presidential candidate and one parliamentary candidate list.
15. Consideration could be given to mandating by law that certifying authorities make their services available to all contestants on non-discriminatory terms. Election authorities should ensure accountability for any criminal offences or other abuses occurring during the candidate registration process.

Campaign Finance

16. To promote a level playing field among contestants, consideration should be given to introducing a campaign expenditure limit. Legal deadlines for distributing public funding for election campaigns should be adjusted to allow meaningful possibilities for campaigning. Safeguards against misuse of public funds allocated for campaign should be introduced in the law.
17. The Anti-Corruption Agency should be obliged by law to identify violations proactively and in a timely manner, and respond to complaints by issuing formal decisions, subject to a judicial review. The law should prescribe expedited deadlines for the entire dispute resolution process related to campaign finance violations.

Media

18. The competent state authorities should contribute to the strengthening of media pluralism by further increasing media ownership transparency, promoting diversity of political content in the media, and systematically monitoring broadcasters' compliance with their legal obligations.
19. State bodies should publicly and strongly condemn all threats against journalists and put in place effective measures to protect journalists against attacks aimed at silencing them, including by prosecuting perpetrators.
20. The regulation of the media coverage of officials who are also candidates could be further strengthened, including by extending the ban on the media coverage of all opening and inaugurating events for the entire duration of the campaign period.

Complaints and Appeals

21. In line with international good practice, the Administrative Court should be legally bound to review all election-related cases in public hearings whereby the parties have the right to be heard.
22. The competent authorities should take prompt and effective steps to investigate allegations of offences, including voter intimidation and vote buying. Perpetrators should be held accountable in a timely manner. The Ombudsman should adopt a proactive approach, including by voter information campaigns, to encourage voters to report such violations.

Election day

23. Further efforts should be made to allocate adequate premises for polling stations in order to prevent overcrowding, ensure the secrecy of the vote and provide easy independent access for voters with physical disabilities.

Post-election Day Developments

24. The Republic Electoral Commission should publish the preliminary turnout data as soon as possible after the closing of the polls. To further enhance transparency and trust in the results tabulation process, the REC should consider publishing preliminary election results disaggregated per polling station in an accessible format as they become available.
25. In order to reduce or eliminate the need for repeat elections, consideration could be given to amending the law to prescribe that the voting is repeated only in case of serious irregularities that may affect the election outcome, after exhausting all other measures, such as examination of the election material, and formalized recounts of the votes cast.
26. Measures could be considered to enhance the transparency of the post-election dispute resolution, including by publishing comprehensive information on complaints filed to LECs in the REC's complaints register.

ANNEX I: FINAL ELECTION RESULTS¹⁴⁶

PRESIDENTIAL ELECTION

Total number of registered voters	6,502,307
Total number of votes cast	3,797,612
Voters' turnout	3,811,585 (58.62%)
Total number of valid votes	3,707,679
Total number of invalid votes	89,933

Candidate (in order of appearance on the ballot)	Votes won	Percentage of votes cast
Miša Vacić (<i>Citizen Group "Serbian Patriot – Miša Vacić"</i>)	32,947	0.87
Prof. Dr. Biljana Stojković (<i>Citizen Group MORAMO – Biljana Stojković – president of Serbia</i>)	122,378	3.22
Branka Stamenković (<i>Coalition SOVEREIGNISTS – Saša Radulović /DJB/, Milan Stamatović /ZS/, Dr. Jovana Stojković /ŽZS/</i>)	77,031	2.03
Zdravko Ponoš (<i>Citizen Group for United, Just and Stable Serbia</i>)	698,538	18.39
Milica Đurđević Stamenkovski (<i>Serbian Party "Zavetnici"</i>)	160,553	4.23
Aleksandar Vučić (<i>Coalition Aleksandar Vučić – Together We Can Do Everything, Serbian Progressive Party /SNS/, Serbian Socialist Party /SPS/ – Ivica Dačić, Alliance of Hungarians of Vojvodina /SVM/ – István Pásztor</i>)	2,224,914	58.59
Dr. Miloš Jovanović (<i>Coalition for the Kingdom of Serbia – DSS</i>)	226,137	5.95
Boško Obradović (<i>Coalition: Serbian Movement DVERI – POKS - Patriotic Bloc for the Renewal of the Kingdom of Serbia</i>)	165,181	4.35

Source: [REC Overall Report on the Results of the Election of the President of Republic](#)

¹⁴⁶ Data according to the final results published by the REC

EARLY PARLIAMENTARY ELECTIONS

Total number of registered voters	6,502,307
Total number of votes cast	3,806,050
Voters' turnout	3,810,559 (58,60%)
Total number of valid votes	3,693,328
Total number of invalid votes	112,722

Candidate list	Votes won	Percentage of votes cast	Mandates won
ALEKSANDAR VUČIĆ – Together We Can Do Everything (<i>SNS-led coalition</i>)	1,635,101	42.96	120
IVICA DAČIĆ – Prime Minister of Serbia (<i>SPS-led coalition</i>)	435,274	11.44	31
ALLIANCE OF HUNGARIANS OF VOJVODINA – István Pásztor (<i>SVM</i>)	60,313	1.58	5
DR. VOJISLAV ŠEŠELJ – Serbian Radical Party (<i>SRS</i>)	82,066	2.16	0
MARINIKA TEPIĆ – United for the Victory of Serbia (Party of Freedom and Justice, People's Party, Democratic Party, DZVM – VMDK, Party of Macedonians of Serbia, Movement of Free Citizens, United Syndicates of Serbia "Sloga", Movement for Change, Movement Free Serbia, Vlach Party) (<i>UZPS coalition</i>)	520,469	13.67	38
DR. MILOŠ JOVANOVIĆ – HOPE FOR SERBIA – Serbian Coalition NADA – National Democratic Alternative – Democratic Party of Serbia – For the Kingdom of Serbia (Monarchists) – Vojislav Mihailović	204,444	5.37	15
MILICA ĐURĐEVIĆ STAMENKOVSKI – Serbian Party "Zavetnici" (<i>SSZ</i>)	141,227	3.71	10
MUFTIJIN AMANET – Party of Justice and Reconciliation – Ušame Zukorlić (<i>SPP</i>)	35,850	0.94	3
MORAMO – ACTION – Ecological Uprising – Silence – Let's not Belgrade drown – Nebojša Zelenović (<i>Moramo-led coalition</i>)	178,733	4.70	13
SOVEREIGNISTS – Saša Radulović (DJB), Milan Stamatović (ZS), Dr. Jovana Stojković (ŽZS)	86,362	2.27	0
Boško Obradović – Serbian Movement DVERI – POKS – Miloš Parandilović – Patriotic Bloc for the Renewal of the Kingdom of Serbia (<i>Dveri-led coalition</i>)	144,762	3.80	10
TOGETHER FOR VOJVODINA – VOJVODIANS (Democratic Alliance of Croats in Vojvodina, Together for Vojvodina)	24,024	0.63	2

SDA (Party of Democratic Action) Sandžak – Dr. Sulejman Ugljanin	20,553	0.54	2
BORIS TADIĆ – Let’s go people – Social-Democratic Party – New Party – 1 of 5 million – Tolerance of Serbia – United Movement of Greens of Serbia – Bosniak Civic Party – Party of Montenegrins	63,560	1.67	0
ALTERNATIVE FOR CHANGES – ALBANIAN DEMOCRATIC ALTERNATIVE	3,267	0.09	0
COALITION OF ALBANIANS OF THE VALLEY	10,165	0.27	1
OTETE BEBE – Ana Pejić	31,196	0.82	0
ROMA PARTY – Srđan Šajn	6,393	0.17	0
RUSSIAN MINORITY ALLIANCE – MILENA PAVLOVIĆ, PAVLE BIHALI GAVRIN (Serbian Russian Movement, Serbian Russian Party – Wolves, Greek Serbian Movement) (RMS)	9,569	0.25	0

Source: [REC Overall Report on the Results of the Elections of the Members of Parliament](#)

**ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION
OBSERVATION MISSION
OSCE Parliamentary Assembly**

Kyriakos	Kyriakou Hadjiyianni	Cyprus	Special Co-ordinator
Bryndis	Haraldsdóttir	Iceland	Head of Delegation
Selma	Yildirim	Austria	
Hannes	Amesbauer	Austria	
Andreas	Minnich	Austria	
Soetkin	Hoessen	Belgium	
Hana	Đogović	Bosnia and Herzegovina	
Amila	Klicic	Bosnia and Herzegovina	
Halid	Genjac	Bosnia and Herzegovina	
Dejan	Vanjek	Bosnia and Herzegovina	
Atanas Dimitrov	Mihnev	Bulgaria	
Kristýyna	Haráková	Czech Republic	
Jana	Pastuchová	Czech Republic	
Lucie	Potůčková	Czech Republic	
Jan	Horník	Czech Republic	
Jan	Richter	Czech Republic	
Ladislav	Václavec	Czech Republic	
Jan	Žaloudík	Czech Republic	
Michael Andreas	Baker	Denmark	
Sven	Sester	Estonia	
Marko	Sorin	Estonia	
Lassi Vilhelm	Junnila	Finland	
Nikoloz	Samkharadze	Georgia	
Dagmar Camilla	Andres	Germany	
Canan	Bayram	Germany	
Manfred	Grund	Germany	
Stefan	Keuter	Germany	
Boris	Mijatovic	Germany	
Christian Willi	Schreider	Germany	
Helga Vala	Helgadóttir	Iceland	
Guido	Almerigogna	Italy	
Luigi	Augussori	Italy	
Mauro	Del Barba	Italy	
Paolo	Grimoldi	Italy	
Francesco	Mollame	Italy	
Vito	Vattuone	Italy	
Akmaral	Alnazarova	Kazakhstan	
Berik	Abdigaliuly	Kazakhstan	
Charles Romain	Margue	Luxembourg	
Lidija	Karakamcheva	North Macedonia	
Berat	Ajdari	North Macedonia	
David	Ilioski	North Macedonia	
Dime	Velkovski	North Macedonia	
Siv Elisabeth	Mossleth	Norway	
Aleksander	Stokkebø	Norway	
Agnieszka Anna	Soin	Poland	
Radoslav Aleksander	Fogiel	Poland	
Kazimierz Mariusz	Kleina	Poland	

Piotr Stanislaw	Polak	Poland
Andreas	Guimaraes Coelho Lima	Portugal
Christine	Thellmann	Romania
Bogdan-Andrei	Toader	Romania
Michele	Muratori	San Marino
Simona Gunilla	De Ciutiis	Sweden
Roza	Guclu Hedin	Sweden
Hanna Karolina	Gunnarsson	Sweden
Sultan	Kayhan	Sweden
Jan Urban	Ericson	Sweden
Jasenko	Omanović	Sweden
Esma	Arslan	Turkey
Ahmet	Arslan	Turkey
Aydin	Kamil	Turkey
William Thomas	Connor Iv	United States
Bakhtiyor	Nishanov	United States
Edward Anthony	White	United States

Council of Europe Parliamentary Assembly

Alexander	Pociej	Poland	Head of Delegation
Petra	Bayr	Austria	
Jensen	Mogens	Denmark	
Daniele	Gastl	France	
Liliana	Tanguy	France	
André	Vallini	France	
Christian	Klinger	France	
Gaël	Martin-Mikallef	France	
Heike	Engelhardt	Germany	
Andrej	Hunko	Germany	
Norbert	Kleinwachter	Germany	
Birgir	Thorarinsson	Iceland	
Marina	Berlinghieri	Italy	
Alberto	Ribolla	Italy	
Krista	Baumane	Latvia	
Uldis	Budrikis	Latvia	
Kestutis	Masiulis	Lithuania	
Eirik	Holmøyvik	Norway	
Andrzej	Szejna	Poland	
Iulian	Bulai	Romania	
Bogdan	Torcatoriu	Romania	
Pierre-Alain	Fridez	Switzerland	
Anne	Godfrey	United Kingdom	

European Parliament

Thijs	Reuten	Netherlands	Head of Delegation
Ivan	David	Czech Republic	
Jörgen	Siil	Estonia	
Petra	Uhrmeister	Germany	
Maximilian	Schroeder	Germany	
Sven	Simon	Germany	
Gesa	Storz	Germany	

Raffaele	Luise	Italy
Francesco	Ronchi	Italy
Jan-Willem	Vlasman	Netherlands
Michał	Czykierda	Poland
Cristian	Terheş	Romania
Paul	Ivan	Romania
Vladimír	Bilčík	Slovakia
Klemen	Grošelj	Slovenia
Jakop	Dalunde	Sweden

ODIHR Short-Term Observers

Emiliano	Aliu	Albania
Mira	Hoxha	Albania
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ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (<http://www.osce.org/odihr>).