



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Serbia — Early Parliamentary Elections, 11 May 2008

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Belgrade, 12 May 2008 – The International Election Observation Mission (IEOM) for the 11 May early parliamentary elections in the Republic of Serbia is a joint undertaking of the Parliamentary Assembly of the Council of Europe (PACE), the OSCE Parliamentary Assembly (OSCE PA) and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

The IEOM assessed the 11 May early parliamentary elections in Serbia on the basis of the organizations' respective standards and commitments for democratic elections, as well as compliance with domestic legislation. This statement is delivered prior to the announcement of final results, and the expiry of deadlines for possible complaints and appeals. A conclusive assessment of the elections will depend, in part, on the conduct of these remaining phases of the process, and final reports will be issued by PACE and the OSCE/ODIHR. The IEOM did not observe the local elections held simultaneously.

PRELIMINARY CONCLUSIONS

Belgrade, 12 May 2008 – The 11 May early parliamentary elections in Serbia were overall in line with OSCE and Council of Europe commitments for democratic elections, although they were overshadowed, in part, by some negative aspects of the campaign. The elections were administered professionally and in an atmosphere of confidence in the process. They provided a genuine opportunity for the citizens of Serbia to choose from a range of political parties and coalitions, which vigorously competed in an open and overall calm campaign environment.

In a generally inclusive process, the Republic Electoral Commission (REC) registered 22 lists of candidates of political parties and coalitions. Among these were ten lists of parties rooted in national minorities. A diverse range of media provided voters with extensive information about the competitors and their campaigns. The coverage was predominantly neutral.

Aspects of the campaign went beyond acceptable limits for a democratic society. A number of death threats to senior officials were reported. This culminated with the display, in Belgrade, of a large number of posters that could be interpreted as suggesting the assassination of top State officials. The Public Prosecutor ordered an investigation into the case.

The legal framework provides a sound basis for democratic elections, however a number of issues remain to be addressed. These include those referred to in long-standing recommendations from past OSCE/ODIHR Election Observation Mission Final Reports¹ and joint legal reviews with the Venice Commission of the Council of Europe, which the National Assembly has yet to consider.

The REC conducted its work collegially and professionally. The representation of the parties and coalitions contesting the elections at all levels of the election administration contributed to confidence in

¹ All OSCE/ODIHR election observation reports are available at: www.osce.org/odihhr.

the process; yet, on a few occasions, the REC showed some inconsistency in its decisions, and there were instances when REC regulations went beyond legislative provisions.

Despite being required by the law and specifically requested by the REC, the National Assembly failed to establish the Supervisory Board to monitor the election campaign in the media, thus leaving a void in the handling of possible campaign and media-related complaints.

Voting and counting were conducted professionally and in a calm atmosphere. Cooperation between polling board members underscored confidence in the process. Several instances of family voting were reported. Observers noted cases of overcrowding, especially for the opening and the count, mostly due to polling boards' broadly inclusive membership.

The institutions represented in the IEOM stand ready to support the efforts of the authorities of Serbia to address the issues identified to date.

PRELIMINARY FINDINGS

Election System and Legal Framework

The 250 members of the National Assembly of the Republic of Serbia are elected for a four-year term through a proportional representation system in a single nation-wide constituency. Mandates are allocated to registered candidate lists that surpass a threshold of five per-cent of the votes cast.²

The legal framework generally provides a sound basis for the conduct of democratic elections; however, a number of aspects of the process are under-regulated and require REC intervention. In addition, a number of outstanding issues, previously highlighted by the OSCE/ODIHR and the Council of Europe Venice Commission remain; in particular, the control by political parties over the *ex-post* allocation of seats which limits the transparency of the system and gives political parties a disproportionate level of control over its candidates,³ or the lack of clarity of provisions on campaign finance. In addition, the law does not include, *inter alia*, provisions covering international and domestic observers, and for mid-level election administration between the REC and polling boards (PBs) for parliamentary elections.

Election Administration

The REC is composed of permanent members representing the political forces in Parliament and of representatives of each of the 22 parties and coalitions contesting the elections, with full voting rights at REC sessions. This inclusiveness promoted confidence in the conduct of elections. The REC established 8,245 regular polling stations plus 279 polling stations in 5 districts of Kosovo. Internally displaced persons (IDPs) from Kosovo voted in 157 special polling stations; of these 16 were in Kosovo.

The REC operated collegially and professionally; however, there were a few inconsistencies in its decisions. These included the provisional accreditation of some observers who applied close to the legal deadline, as well as the registration of one candidate list.

² This threshold does not apply to parties rooted in national minorities.

³ It also diminishes the potential positive effect of the legal requirement that 30 per cent of the candidates appearing on the list must belong to the less-represented gender.

The coordination between the REC and the Municipal and City Electoral Commissions (MECs) was generally satisfactory. The key role undertaken by MECs in the parliamentary elections underscores the need for an intermediate level of election administration between the REC and Polling Boards, which is not foreseen in the Law on the Election of Representatives (LER).

The alteration of the legal framework by the REC through specific regulations on the coordinated conduct of all the elections held on 11 May 2008 in some aspects went beyond its legal competencies. These included the appointment of the extended membership of Polling Boards.⁴ However, there was a broad political agreement on the manner the REC addressed the issue.

Voters Lists

Serbia applies a passive system of voter registration. Voter lists are continuously maintained by municipal authorities under the supervision of the Ministry of Public Administration and Local Self-Governance. The establishment of a permanent national voter register, a long-standing requirement of the law,⁵ has not yet been accomplished. This could have contributed to further improve the quality of voter lists. The final number of registered voters for these elections was 6,749,688 representing an increase of 25,926 voters or 0.4 per cent compared to the 2008 Presidential elections. Interlocutors did not raise major concerns about the accuracy of the voter lists.

Candidate Registration

Twenty two political parties and coalition lists were registered in an inclusive process.⁶ These included ten lists of national minorities and other parties, and representatives of the national minorities were also placed on the lists of the mainstream parties. Two submitted lists were rejected by the REC⁷. A list submitted by the Socialist Party of Freedom was rejected on the basis that the name of the list differed from the name of the party, in contradiction with article 42.1 of the LER. This led to lengthy debates among REC members, fuelled by a number of complaints filed by the Socialist Party of Freedom against the rejection of their list and the different approach previously taken in a similar case.⁸

The OSCE/ODIHR LEOM could not get immediate access to observe verification by the REC of electoral list support signatures. Yet, a limited number of signatures of deceased and under-aged persons, or persons supporting more than one list, were found during verification. While the Ministry of Interior plays a role in authenticating support signatures, this function is not envisaged in the law.

⁴ The composition of polling boards follows complex rules aimed at ensuring representation of both the lists for the parliamentary and local elections. Particular measures are applied for parties in coalition, which appeared to cause some confusion, specifically for parties running in a different coalition at national and local level.

⁵ Art. 12 (1) of the LER

⁶ For a European Serbia - Boris Tadić; Liberal Democratic Party – Čedomir Jovanović; Democratic Party of Serbia - New Serbia – Vojislav Koštunica; Serbian Radical Party – Dr Vojislav Šešelj; Socialist Party of Serbia, - Party of United Pensioners of Serbia – United Serbia; Bosniak List for a European Sandžak – Dr Sulejman Ugljanin; Hungarian coalition - Istvan Pasztor; Reformist party - Dr Aleksandar Višnjic; Let the village voice be heard – Peoples’ Peasant Party – Marijan Rističević; The Force of Serbia Movement - Bogoljub Karić; The Civic Initiative of Gorani-GIG; United Vlachs of Serbia; Vojvodina Party- Mr Igor Kurjački; Roma for Roma - Milos Paunković; Montenegrin Party –Nenad Stevović; Union of Roma of Serbia - Dr Rajko Đurić; Coalition of Albanians of Preševo Valley; Alliance of Bački Bunjevci - Mirko Bajić; Movement My Serbia- Branislav Lečić; People’s Movement for Serbia - Milan Paroški; Patriotic Party of Diaspora - Zoran Milinković; Roma Party - Srđan Šajn

⁷ Socialist Party of Freedom and Croatian Bunjevac Sokac Party

⁸ The REC earlier accepted a list named “Let the Village Voice be Heard – Peoples’ Peasant Party – Marijan Rističević”, despite the fact that the support signatures had been given by voters to a list bearing a different title, in violation of article 42 of the LER.

Campaign

Contestants had unimpeded campaigning opportunities. Campaigns were vigorous and parties and candidates made use of media, rallies, public events, numerous billboards and leaflets. The campaign started six weeks before the elections and was dominated by the status of Kosovo, relations with the European Union (EU) and possible signing of the Stabilisation and Association Agreement (SAA), and social and economic issues. The continued disputes between the Democratic Party (DS) and Democratic Party of Serbia (DSS), coalition partners in the outgoing government, were widely covered by the media. There were instances when insults were used against political opponents and national minorities, which went beyond acceptable limits for a democratic society.

As the campaign unfolded, personal verbal attacks were aggravated and a number of death threats to senior officials were reported. This culminated after the signing of the SAA between Serbia and the EU. On 1 May, posters were displayed in large numbers around Belgrade by a registered association called the “Family of Serbian Fans” labelling the Serbian signatory of the SAA and the President of Serbia as “enemies of the State”. These posters could be interpreted as suggesting their assassination.⁹ The Public Prosecutor has ordered an investigation into this case.

Media

A diverse range of media provided voters with extensive information about the competitors and their campaign activities in an unrestricted atmosphere, mostly in a neutral tone.

The legal framework for the media establishes an independent regulatory authority, the Republican Broadcasting Agency (RBA), which on 4 April issued General Binding Instructions for Broadcasters in line with the Broadcasting Law. All electronic media were required to base their reports of pre-election campaign activities on the principles of objectivity, equality and protection of public interest. Starting 3 May each registered electoral list received 45 minutes of free airtime on public broadcaster RTS 2. Print media are not subjected to legal restrictions during the election campaign apart from the 48 hour electoral silence on campaigning prior to election day.

The OSCE/ODIHR LEOM has conducted qualitative and quantitative analysis of four TV channels¹⁰ as well as five private newspapers¹¹ since 3 April 2008. Monitoring results indicated that media dedicated most coverage to the leading political parties. On public TV RTS 1, the DS-led coalition received almost twice as much coverage as the SRS; the coverage of DSS-NS also exceeded the one of SRS. This included extensive reporting on government activities and the disputes between DS and DSS officials. On the other hand, at the request of SRS, public TV RTS 2 broadcast excerpts from the trial of the SRS President Mr. Vojislav Šešelj in The Hague. Private TV channels provided extensive information of the campaign with different formats including debates among representatives,¹² and panel discussions, offering the highest coverage to the DS-led coalition.

⁹ Two posters were displayed next to each other, both bearing the logo of the “Family of Serbian Fans”. The first one showed the portrait of Mr. Stjepan Radić, then Chairman of the Croatian Peasant Party, who was fatally wounded in the Federal Parliament in 1928 and passed away. On his portrait, there was the script “There is only one Puniša Račić”, the name of a Montenegrin politician who shot dead Mr. Radić, as well as two other parliamentarians of his party. The other poster displayed the portraits of President Boris Tadić and Deputy Prime Minister Božidar Đelić, and bore the script “Enemies of the State”. Mr. Đelić signed the SAA between Serbia and the EU on 29 April.

¹⁰ Public TV channels RTS1 and RTS2 and two private stations TV B92 and TV PINK

¹¹ *Večernje Novosti, Blic, Kurir, Politika* and *Press*

¹² Leaders of main coalitions preferred interviews rather than face to face debates with their opponents.

The tone of the campaign coverage in the monitored media outlets tended to be neutral with the exception of the tabloid *Kurir*, which was criticized by associations of journalists for aggressive and unprofessional reporting.

Complaints and Appeals

A total of 48 complaints were submitted to the REC by election day. These covered a broad range of issues, including, *inter alia*, membership of polling boards, rules for the registration of foreign observers, alleged distributions of material incentives to voters by election contestants, failure by the National Assembly to establish a Supervisory Board, and the REC's failure to provide timely and objective information about candidates to the voters. None of these complaints were upheld.

The Supreme Court delivered 11 decisions upon 13 appeals against REC decisions and upheld none, referring two appeals to the Belgrade District Court. The Constitutional Court issued two election-related judgments, including one suspending the provision of an REC instruction, which had lowered the number of signatures required for the registration for minority parties' lists to 3,000 instead of 10,000.¹³

Domestic and International Observers

A total of 11 international observer groups¹⁴ were accredited by the REC to observe the elections. The non-governmental organization Centre for Free Elections and Democracy (CeSID), deployed the largest group of domestic observers (some 2,000). As in previous elections it also engaged in a nationwide get-out-the-vote campaign and sample parallel vote tabulation.

Election Day

Over the course of election day, IEOM observer teams observed the process at some 600 polling stations throughout the country. The IEOM did not conduct systematic and comprehensive observation of election day procedures.

Voting and counting were conducted professionally and in a calm atmosphere. Cooperation between polling boards' members and knowledge of the procedures appeared to be high. Several instances of family voting were reported. Observers reported cases of ballot papers placed in the wrong ballot box, mostly due to the colour of the ballot for different elections being somewhat similar. Misplaced ballots were nonetheless counted as valid for the right election. While the polling boards' broadly inclusive membership contributed to the transparency and confidence in the process, it led to instances of overcrowding, especially for the opening and the count.

¹³ In its Instruction for the Enforcement of the Law on the Elections of the Representatives (Art. 28.8), the REC had reduced from 10,000 to 3,000 the number voters' signatures required for lists presented by a national minority party to register, while article 43 of the LER provides that the number required is 10,000. The CC decided on 11 April to suspend the implementation of paragraph 8 of art.28 of the Instruction in view of the fact that Article 34 of the LER did not authorise the REC to prescribe the required number of signatures. As this ruling came late in the process, this may have limited the capacity of some minority parties to campaign. Ten parties/coalitions of national minorities were nonetheless able to collect the required 10,000 signatures.

¹⁴ In addition to PACE, the OSCE PA and the OSCE/ODIHR, the REC also accredited observers from the Inter-parliamentary Assembly of the Commonwealth of Independent States, as well as bilateral observers from the State Duma of the Russian Federation, the Russian Public Institute of Electoral Law, the Central Election Commission of the Russian Federation, the Embassy of the Slovak Republic, the Embassy of the Republic of Hungary, the Communist Party of the Russian Federation, and the Youth Democratic Anti-Fascist Movement "Nashi".

*This statement is also available in Serbian language.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

Following an invitation from the Speaker of the National Assembly of Serbia, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a long-term Limited Election Observation Mission (LEOM) on 2 April 2008 consisting of 11 experts and 24 long term observers based in the capital and twelve regional centres. On the basis of previous findings on elections in Serbia, the OSCE/ODIHR did not deploy short-term observers.

Thirty parliamentarians and staff from the PACE as well as 24 parliamentarians and staff from the OSCE PA were deployed as short term observers. The PACE and the OSCE PA conducted early visits to Belgrade in order to assess the pre-electoral environment.

Mr. Jean-Charles Gardetto (Monaco) headed the delegation of the Parliamentary Assembly of the Council of Europe. Mr. Roberto Battelli (Slovenia), Head of the OSCE PA delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office. Mr. Nikolai Vulchanov (Bulgaria) headed the OSCE/ODIHR LEOM.

The IEOM wishes to thank the Republic Electoral Commission, the Ministry of Foreign Affairs and other state and local authorities for their assistance and cooperation. The IEOM also wishes to express appreciation to the OSCE Mission to Serbia, the Council of Europe Office in Belgrade and resident diplomatic missions for their support throughout the mission.

The Interim Reports of the OSCE/ODIHR LEOM are available at www.osce.org/odihr.

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