



Office for Democratic Institutions and Human Rights

REPUBLIC OF SERBIA

EARLY PARLIAMENTARY ELECTIONS 2023

ODIHR NEEDS ASSESSMENT MISSION REPORT
16 -20 October 2023



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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an official invitation from the authorities of the Republic of Serbia to observe the early parliamentary elections planned to be held on 17 December 2023, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 16 to 20 October 2023. The ODIHR NAM included Ülvi Akhundlu, Deputy Head of the ODIHR Election Department, and Kseniya Dashutsina, ODIHR Election Adviser. The ODIHR NAM was joined by Stéphanie Koltchanov, Head of Elections of the OSCE Parliamentary Assembly.

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

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

II. EXECUTIVE SUMMARY

According to the public statements of the President Aleksandar Vučić, echoed by the vast majority of ODIHR NAM interlocutors, early parliamentary elections will be set on 2 November for 17 December 2023. In total, 250 members of parliament will be elected for four-year terms from a single nationwide constituency through a closed-list, proportional system. Parties must receive at least three per cent of valid votes cast to qualify for proportional seat allocation.

Preparations for the elections are taking place amid deep political and social polarization and ongoing weekly mass protests demanding social and political changes, including the resignation of senior law enforcement officials and the government. In September, members of the opposition requested early parliamentary and local elections to be held by the end of 2023, as none of their demands were fulfilled, and started boycotting parliamentary sessions.

The election-related legislation was significantly revised in early 2022, following two inter-party dialogue processes between the ruling parties and the opposition, and it remains largely unchanged since the 2022 elections. The 2022 legislative changes addressed some previous ODIHR recommendations. Most ODIHR NAM interlocutors noted that while the electoral legal framework offers an overall adequate basis, the democratic conduct of elections ultimately relies on its effective implementation. Several ODIHR NAM interlocutors noted that a number of past recommendations to improve the legal framework remain outstanding, including related to contestants' access to media, enhanced

transparency and accountability of campaign finance, and measures to tackle pressure on voters and misuse of administrative resources.

Authorities informed the ODIHR NAM about their plans to address some of the previous ODIHR recommendations on media, campaign, and voter registration through by-laws and public awareness efforts.

The election administration consists of the Republic Electoral Commission (REC), 166 local electoral commissions (LECs) and some 8,500 polling boards (PBs). The REC informed the ODIHR NAM that it has commenced electoral preparations and amended a number of its previous decisions. It also plans to train election officials and organize voter education campaign, focusing on election day procedures, completion of results protocols, electoral dispute resolution, and vote secrecy. ODIHR NAM interlocutors expressed varying degrees of confidence in the REC's impartiality and neutrality, and some voiced concerns over the capacity of lower-level commissions to conduct concurrent elections, in the compressed timeframe due to lack of sufficient and timely training. Several stakeholders expressed concerns regarding the completion of results protocols, possible malfeasance in polling stations, and pressure on voters during the campaign and on election day.

The right to vote is granted to all citizens who reach 18 years of age by election day and have a permanent residence in Serbia, except those who lost legal capacity through a court decision. Voter registration is passive and maintained by the Ministry of Public Administration and Local Self-Government (MPALSG). Most ODIHR NAM interlocutors acknowledged that the accuracy of the voter lists has improved over the years, but concerns remain about the accuracy of permanent residence data, including entries of deceased voters, voters living abroad and the number of voters compared to the census data. Additionally, some ODIHR NAM interlocutors voiced concerns over allegations of a high number of voters fictitiously changing their permanent residence shortly before the elections and lack of efforts from the authorities to investigate or address these allegations. According to the authorities, the longstanding ODIHR recommendation to conduct a full audit of the Unified Voter Register and the civil register has not been implemented due to legal restrictions on personal data privacy.

Any citizen who is eligible to vote can stand for the parliamentary elections. The lists of candidates for parliamentary elections have to collect at least 10,000 notarized voter signatures. Parties, coalitions, and groups of citizens can nominate candidates, but individual independent candidates are not allowed. Voters can only support one prospective candidate list. Most ODIHR NAM interlocutors stated that the rules for candidate nomination are reasonable, but some expressed concerns over a financial burden of notary fees and potentially limited access to notarize support signatures due to political bias.

The law requires a 40-per cent gender quota on the lists. The prime minister, and 10 out of 28 cabinet members are women. In the outgoing parliament, women hold 36,4 per cent of the seats. However, women remain vastly underrepresented in all other elected and appointed offices, especially at the local level and in party leadership positions. Several ODIHR NAM interlocutors stated that stereotypical attitudes to gender roles, and online or other attacks on women candidates may limit women's political participation.

The official election campaign period starts with the day of calling the elections and ends 48 hours before election day. The legislation provides for equitable campaigning conditions for all electoral contestants but the law allows most public officials to engage in public activities, including campaigning, unless it conflicts with their official duties. According to the ODIHR NAM interlocutors, the campaign is expected to center around topics of national and domestic security, foreign policy and status of Kosovo, economy and fight against corruption, as well as freedom of the media. Political

parties met by ODIHR NAM generally did not foresee obstacles for free conduct of the campaign, including in minority languages, however, many expressed concerns about biased media coverage limiting possibilities to connect with voters. Further concerns were expressed about the use of negative campaigning and aggressive and offensive rhetoric, potential pressure on voters, including on civil servants, and the possible misuse of state resources that could tilt the level-playing field.

February 2022 changes to 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. According to the Agency for Prevention of Corruption (APC), the work on the new Anti-Corruption Strategy and other legislative changes had to be postponed due to early parliamentary elections. The APC plans to recruit, train and deploy some 120-130 observers to collect data on compliance with the legislation on campaign finance, and receive weekly reports in order to cross-check information received from the contestants. Overall, several ODIHR NAM interlocutors expressed low level of confidence in the transparency of the party and campaign finance, and the ability of APC to detect and react to possible campaign finance violations.

The media landscape reflects social and political polarization and the majority of ODIHR NAM interlocutors emphasized that lack of diversity of perspectives stems from the limited outreach of the media not aligned with the ruling party. Verbal pressure and persistent attacks on journalists from the state leadership was underlined to the ODIHR NAM as a concern. The law defines the basic principles for media conduct during election campaigns and obliges public service media to ensure equal reporting. Public service broadcaster Radio Television Serbia (*RTS*) assured ODIHR NAM it will comply with all legal requirements for coverage of the campaign. Many opposition parties pointed to their endemic lack of access to national private and public broadcasters for presenting their viewpoints in the periods between elections, and the lack of overall critical coverage in the media. The media oversight body, the Regulatory Authority of Electronic Media (REM), plans to monitor electronic media and report on its results on a weekly basis. A number of ODIHR interlocutors opined that REM exercises selective approach in sanctioning media for violations and the system of sanctions applied is ineffective due to protracted deadlines. According to ODIHR NAM interlocutors, several draft amendments to the media laws were expected to be adopted in October 2023.

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 ODIHR NAM was informed by the Administrative Court about additional burden posed by election-related cases on the work of the court due to lack of additional human resources allocated for the election period. Some ODIHR NAM interlocutors voiced concerns over the conduct of law enforcement and stated that trust in the election administration and judiciary to deal with the election-related cases impartially is limited.

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. Several civil society organizations (CSO) informed the ODIHR NAM of their plans to conduct long-term and election day observation. Some of the CSOs informed ODIHR NAM of an alarming rise in pressure and verbal attacks directed towards them by representatives of the governing parties.

All ODIHR NAM interlocutors strongly emphasized the need for a large-scale ODIHR election observation activity and stressed the value they place in it for the early parliamentary elections. Many of them also emphasized the importance of a long-term and country-wide presence to cover all aspects of the process. They underlined that an impartial assessment would be of particular value due to an existing high level of political and social polarization, enhancing public confidence in the electoral process and potentially deterring malfeasances on election day. ODIHR NAM interlocutors mentioned a number of aspects that would merit further attention by an ODIHR election observation activity, including the conduct of the campaign, media coverage, campaign finance, election dispute resolution and election day procedures, and possible voter intimidation and misuse of state resources.

In considering an observation activity, the ODIHR NAM has taken into account the various findings outlined in this report and the opinions expressed by stakeholders. Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) to observe the upcoming early parliamentary elections, subject to the availability of resources. In addition to a core team of analysts, ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the electoral process countrywide, as well as 250 short-term observers for the observation of election day procedures. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

According to the Constitution, parliamentary elections should be called by the president 90 days before the expiry of the current parliament's term. The current composition of the parliament was constituted on 1 August 2022, four months after the 2022 early parliamentary elections. In order to hold snap elections, the National Assembly has to be dissolved based on the elaborated proposal of the government and the decision of the President of Serbia.¹ According to the public statements of the President Aleksandar Vučić, echoed by the majority of ODIHR NAM interlocutors, early parliamentary elections will be set on 2 November for 17 December 2023. These will be the third parliamentary elections in four years and consecutive elections to be called before the end of the parliament's mandate. Some stakeholders noted that the frequency of early elections hindered the ability of the National Assembly to plan its legislative work and hampered effective governance overall.

Since 2012, the Serbian Progressive Party (SNS) has dominated the national political landscape, with a strong presence of its leader, the incumbent president Aleksandar Vučić, who was first elected in 2017 and re-elected in 2022. On 27 May 2023, President Vučić stepped down as an SNS president, and Minister of Defense Miloš Vučević was elected as his successor. Following the 2022 early parliamentary elections, SNS received 120 seats out of 250, the opposition coalition United for Victory of Serbia won 38 seats and the Socialist Party of Serbia (SPS) 31 seats.² Several ODIHR NAM interlocutors stated that despite broader representation of political parties in the parliament, consensus and inter-party collaboration remains a challenge.

¹ The legislation further stipulates that not less than 45 days, and no more than 60 days shall pass between the day of calling of the elections and election day.

² In addition to the four minority parties, three other parties (DSS, Dveri, Zavetnici) and the coalition Moramo passed the three per cent threshold. Since 2019, the majority of the opposition members of parliament (MP) did not attend the previous parliament sessions, and parties they represented boycotted the 2020 parliamentary elections.

Pre-election preparations occur amidst heightened political and social polarization and ongoing weekly mass protests “Serbia against violence” in response to the claimed government inaction following two mass shootings in May 2023.³ Organizers of the protests, including a number of opposition parties, demand social and political changes, including dismissal of senior law enforcement officials, replacing members of the Council of the Regulatory Body for Electronic Media (REM), withdrawal of broadcasting licenses from pro-government television, eradication of corruption, resignation of the president and the government.⁴ In September, members of the opposition requested early parliamentary and local elections to be held by the end of 2023, as none of their demands were fulfilled and started boycotting parliamentary sessions. In October 2023, President Aleksandar Vučić publicly announced his plans to set early parliamentary elections, several local councils’ and Belgrade mayoral elections for 17 December 2023.⁵ Several opposition parties are in the process of discussing coalition efforts and running on a single list in the upcoming early elections.

The Prime Minister, and 10 out of 28 cabinet members are women, a decrease from the previous composition of the government. Currently, women hold 36.4 per cent of the parliamentary seats.⁶ However, women remain vastly underrepresented in all other elected and appointed offices, especially at the local level and in party leadership positions. Out of 145 municipalities, 17 are headed by a woman, and 5 out of 29 city mayors are women. In 2021, new Law on Gender Equality and a National Strategy for Gender Equality for 2021-2030 were adopted.⁷

ODIHR has observed 18 elections in Serbia since 1997, most recently in 2022, when ODIHR deployed an Election Observation Mission for the presidential and early parliamentary elections.⁸ The final report, issued in August 2022, contains 26 recommendations, including 9 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.⁹

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The 250 members of parliament are elected for four-year terms from a nationwide closed-list proportional system. In order to participate in the distribution of mandates candidate lists have to surpass a three per cent threshold, while this requirement does not apply to the lists representing national minorities.¹⁰

Parliamentary elections are primarily regulated by the 2006 Constitution, the 2022 Law on Election of Members of the Parliament (election law), the 2009 Law on Unified Voter Register (LUVR) and

³ Nine children and a security guard were killed at a Belgrade primary school on 3 May, and eight people were killed in the Belgrade municipality of Mladenovac on 4 May.

⁴ The Minister of Education resigned on 31 May 2023.

⁵ At this point, some 30 mayors resigned officially and a number of others declared their intention to resign prior to the deadline for calling of early elections. Some ODIHR NAM interlocutors expressed concern about the lack of clarity regarding the scope of the upcoming local elections and the specific localities involved.

⁶ 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). Following the elections, its rating has dropped to 46th place.

⁷ The 2023 Country [Report](#) of the Council of Europe Commissioner for Human Rights mentioned a positive trend in women’s political participation; however, the report also noted persistent and deeply rooted patriarchal stereotypes that continue to hinder the advancement of women’s rights and gender equality’.

⁸ See previous ODIHR election [reports](#) on Serbia.

⁹ 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”.

¹⁰ Prior to 2020 parliamentary elections, the threshold for candidate lists to participate in the distribution of mandates was lowered from five to three per cent of the votes cast.

decisions and instructions of the Republic Electoral Commission (REC).¹¹ Serbia is party to major international and regional instruments related to holding of democratic elections.¹²

The election-related legislation was significantly revised in early 2022, following two inter-party dialogue processes between the ruling parties and the opposition, and it remains largely unchanged since the 2022 elections.¹³ The recent changes addressed some previous ODIHR recommendations related to the composition of election administration and the work of mid-level election commissions, effectiveness of electoral dispute resolution, transparency of political party and campaign finance. The government-led Working Group for Co-operation with ODIHR was re-established in March 2023 and held a number of meetings.¹⁴ Some ODIHR NAM interlocutors noted the lack of transparency in the group's work following the last elections which was attributed to insufficient information on its meetings or their outcomes.

Most ODIHR NAM interlocutors noted that while the electoral legal framework offers an overall adequate basis, the democratic conduct of elections ultimately relies on effective implementation. Several ODIHR NAM interlocutors noted that a number of past 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. Authorities informed the ODIHR NAM about their plans to address some of the previous ODIHR recommendations on media, campaign, and voter registration through by-laws and public awareness efforts.

C. ELECTION ADMINISTRATION

The election administration comprises the Republic Electoral Commission (REC), 166 local electoral commissions (LECs) and some 8,500 polling boards (PBs).¹⁵ The REC is a permanent body in charge of organizing elections, registering candidates, handling certain election-related complaints, and announcing the final results.¹⁶ The composition of REC is proportional to the number of seats held by the parliamentary parties. The current members were appointed by the parliament on 9 February 2023 with seven out of 17 being women. By law, each registered electoral contestant has the right to appoint a representative to serve as an extended REC member with the same rights and duties as permanent members. The 2022 amendments prescribed rules to ensure gender balance and the inclusion of persons with disabilities in election commissions.

¹¹ Relevant provisions are also included in the Criminal Code, the laws on the Anti-Corruption Agency, on Administrative Disputes, on Free Access to Information of Public Importance, on Personal Data Protection, on Administrative Proceedings and on Criminal Proceedings.

¹² Including the [1966 International Covenant on Civil and Political Rights](#), [1979 Convention on the Elimination of All Forms of Discrimination Against Women](#), [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [2003 Convention against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities](#), the [1950 European Convention on Human Rights](#). Serbia is also a member of the Council of Europe's Venice Commission and of the Group of States against Corruption (GRECO).

¹³ On 4 February 2022, the parliament adopted the new election law, the Law on Election of the President, 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.

¹⁴ Its work was divided in four sub-groups, focusing on issues of election administration, accuracy of the voter register, role of the media, and campaign finance and misuse of administrative resources.

¹⁵ In the 2022 elections, special polling stations were established in 29 penal and detention facilities, and out-of-country voting was conducted in 77 PBs established in diplomatic representations in 34 countries.

¹⁶ Administrative and technical support to the REC is provided by personnel assigned by the National Assembly Service and the Republic Statistical Office.

The 2022 legislative changes formalized LECs' role in national elections and they now supervise the conduct of national elections on the municipal level, appoint PBs, adjudicate certain types of complaints, and tally election results. LECs consist of 7 to 13 members, proportionally appointed by political parties in local assemblies; PBs include a chairperson, two members and their deputies. For the electoral period, each parliamentary contestant can appoint a member to the extended composition of all commissions.

The REC informed ODIHR NAM that it has commenced electoral preparations and has so far amended a number of its previous decisions, mostly legislating previously existing practice.¹⁷ The REC plans to train members of lower-level election administration and conduct voter education focusing on various issues such as election day procedures, completion of results protocols, and electoral dispute resolution, including in minority languages. To address prior ODIHR recommendations, the REC intends to cooperate with local municipalities to improve the layout of polling stations to avoid overcrowding and underline the importance of vote secrecy as part of its training and voter education efforts. Moreover, the REC plans to collaborate with disabilities-focused civil society organizations to enable independent access for persons with disabilities to polling stations.

ODIHR NAM interlocutors had varying degrees of confidence in the REC's impartiality and neutrality, and some voiced concerns over the capacity of lower-level commissions to effectively manage concurrent elections within the compressed timeframe, particularly due to the lack of sufficient training. Some ODIHR NAM interlocutors also voiced concerns about the LECs' ability to effectively handle election disputes and underlined the need for training in this area. Additionally, several stakeholders highlighted challenges, related to completion of results protocols, potential malfeasance at polling stations, and pressure on voters during the campaign and on election day. Administering the vote for voters residing in Kosovo has been mentioned to ODIHR NAM interlocutors as potentially problematic.¹⁸

D. VOTER REGISTRATION

The right to vote is granted to all citizens who reach 18 years of age by election day and have a permanent residence in Serbia, except those who lost legal capacity through a court decision. The disenfranchisement of citizens based on intellectual and psychosocial disabilities is at odds with international standards.¹⁹

Voter registration is passive. The Unified Voter Register (UVR) is an electronic database maintained by the Ministry of Public Administration and Local Self-Government (MPALSG) and continuously updated using records from municipalities, inputs from state institutions, and voter requests.²⁰ The 2022 election law removed permanent residence as a prerequisite to vote, but the LUVR retained a

¹⁷ These included decisions on nomination of election administration members, uniform standards for election materials, pre- and post-voting handing of election materials, monitoring the voter turnout, access to election materials, handing of election disputes, and statistical data processing. Additionally, REC passed some decisions on procuring certain election materials without following procurement procedures.

¹⁸ 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](#).

¹⁹ 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".

²⁰ The UVR closes for changes 15 days before election day. Beyond this, modifications shall only be done by the MPALSG if application is lodged not later than 72 hours before election day. After the deadline, the final number of voters is published. The law does not allow voter registration on election day.

requirement of permanent address for inclusion in the UVR. According to MPALSG, based on the clarification issued by the Ministry of Interior in September 2023, voters without an address will be included in the voter's list based on their last registered address. As of 14 September 2023, citizens are able to verify and update their information in voter register online and free of charge.

The MPALSG informed the ODIHR NAM about the measures implemented to increase the accuracy of the lists through eliminating duplicate registrations, trainings of staff in charge of handling voters' data, and regular inspections of the process of updating of the UVR. In addition, it mentioned an information campaign held in September 2023 to inform voters on the procedures for updating the voter lists. MPALSG also stated that jointly with the MFA they are undertaking efforts to exclude voters deceased abroad from the civil registry. According to the authorities, the longstanding ODIHR recommendation to conduct a full audit of the Unified Voter Register and the civil register has not been implemented due to legal restrictions on personal data privacy.²¹

Most ODIHR NAM interlocutors acknowledged gradual improvement of the accuracy of the voter lists in recent years, however, some concerns were raised about the accuracy of permanent residence data, including entries of deceased voters, voters living abroad and the number of voters compared to the census data. Further, some ODIHR NAM interlocutors voiced concerns over allegations of a high number of voters fictitiously changing their permanent residence shortly before the elections and the lack of efforts from the authorities to address these allegations.

E. CANDIDATE AND PARTY REGISTRATION

Any citizen who is eligible to vote can stand for the parliamentary elections but individual independent candidates are not allowed. Lists of candidates for parliamentary elections have to collect at least 10,000 notarized signatures of voters (5,000 for lists representing national minorities). Voters can only support one candidate list, and signatures are verified by the REC and the MPALSG against the UVR. Submitters have 48 hours to correct errors or omissions in the documents. The law mandates a gender quota of at least 40 per cent for registration of a list, with at least two out of every five candidates on a candidate list being from the underrepresented gender. Most ODIHR NAM interlocutors stated that the rules for candidate nomination are reasonable, but some expressed concerns over a financial burden to pay notary fees per signature as well as potential difficulties accessing services to notarize support signatures due to political bias.

F. ELECTION CAMPAIGN

The official election campaign starts on the day of calling the elections and ends 48 hours before election day. The legislation provides for equitable campaigning conditions for all electoral contestants but allows most public officials to engage in public activities, including campaigning, unless it conflicts with their official duties. As of December 2021, the media are not allowed to cover opening or inaugural events by state officials, who are also candidates, during the last 10 days before election day. The proposal to extend the existing ban to 30 days through amendments to the Law on Electronic Media was under discussion in October 2023, but it was ultimately not approved by the government prior to the submission to the parliament.

Parties met by the ODIHR NAM intend to use a mix of traditional methods of campaigning, and campaigning online. According to the ODIHR NAM interlocutors, the campaign is expected to center

²¹ In September 2019, the MPALSG established a Working Group, involving CSOs, to audit the UVR. However, the audit did not take place due to legal restrictions on personal data privacy and an opinion of the Commissioner for Information of Public Importance and Protection of Personal Data that limited CSOs' audit capabilities.

around topics of national and domestic security, foreign policy and status of Kosovo, economy and fight against corruption, as well as freedom of the media. Political parties met by ODIHR NAM generally did not foresee obstacles for free conduct of the campaign, including in minority languages. Many interlocutors, however, mentioned serious hindrances posed by biased media coverage on public and private broadcasters with national outreach, especially in the rural areas, which could limit their opportunity to connect to voters and tilt the level-playing field. Further concerns were expressed about the use of negative campaigning tactics and aggressive and offensive rhetoric, as well as the potential for violence during the campaign, possible voter intimidation, including the undue influence on civil servants, and the possible misuse of state resources for political gains.²² Several ODIHR NAM interlocutors stated that stereotypical attitudes to gender roles, and online or other attacks on women candidates could significantly curtail women's political participation. A number of political parties met by ODIHR NAM voiced concerns over the short campaign period for early parliamentary elections and unfair advantage gained by the ruling party through media and budgetary allocations to different categories of voters, perceived as an attempt to influence voter behavior prior to elections.

G. PARTY AND 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 regulations of Agency for Prevention of Corruption (APC). The 2022 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) 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.

Parties are financed through donations, membership fees, loans and state funding. Contestants can also finance campaigns from their own funds and donations.²³ Donations from anonymous and foreign sources, public contractors, some civil servants and certain types of entities are prohibited. The law only prescribes the publication of donations above one average monthly salary. Several ODIHR NAM interlocutors noted the need for substantial changes and improvements of the campaign finance framework, including by introducing clear regulations on online campaigning, limits on campaign spending and regulations of third-parties in election campaign. According to the APC, the work on the new Anti-Corruption Strategy and other legislative changes had to be postponed due to early parliamentary elections.

The APC is the main supervisory body mandated with the oversight of political finance and prevention of misuse of state resources. A new director of APC was appointed in February 2023. In addition, the State Audit Institution (SAI) oversees the public funds of parties. Pursuant to the February 2022 legislative changes, contestants have to submit an interim campaign finance report to the APC five days before election day. However, interim reports only cover the period until 15 days prior to the elections. The final campaign reports are due within 30 days from publication of the report on election results and,

²² The European Parliament Committee on Foreign Affairs 2022 [Report](#) on Serbia published on 2 May 2023 "regrets the misuse of the media by the governing majority to gain an unfair political advantage, attack political opponents and spread disinformation".

²³ Following the last amendments, 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.

in line with the law, to be published by the APC within seven days after submission. The APC may request information from political entities and may request statements of transactions using campaign funds. The APC can issue warnings or initiate misdemeanor or criminal proceedings for possible violations.

For the upcoming elections, the APC plans to recruit, train and deploy some 120-130 observers to collect data on compliance with the legislation on campaign finance, and receive weekly reports in order to cross-check information received from the contestants. Overall, several ODIHR NAM interlocutors expressed low level of confidence in the transparency of the party and campaign finance, and ability of APC to detect and react to possible campaign finance violations.

H. MEDIA

The media landscape comprises a large number of broadcasters and a growing number of online outlets.²⁴ Television remains the primary source of information, followed by social networks.²⁵ The media landscape is marked by polarization,²⁶ and the majority of ODIHR NAM interlocutors emphasized that limited diversity of perspectives stems from the outreach capabilities of media not aligned with the ruling party.²⁷ Verbal pressure and attacks from the state leadership on media professionals was underlined as a concern by many ODIHR NAM interlocutors.²⁸ The OSCE Representative on Freedom of the Media (RFoM) on several occasions condemned violence, intimidation and other incidents, including death threats, directed at media professionals.²⁹

The Action Plan for the Strategy for the Development of the Public Information System for the period from 2020 to 2025 was adopted in December 2020. The Action Plan envisages introducing amendments to a number of media-related laws, measures to address issues of transparency in ownership structures and financing of media content and advertising from state resources.³⁰ However, some ODIHR NAM interlocutors assessed the implementation as limited so far. The draft amendments to the Law on Electronic Media and the Law on Public Information and Media are currently under discussion and, according to ODIHR NAM interlocutors, will be adopted in October 2023. Several ODIHR NAM interlocutors mentioned welcomed attempts to ensure the inclusive and transparent process of working

²⁴ Serbia has some 2,500 registered media outlets, including over 750 audio-visual media service providers. The leading private channels are *TV Pink*, *TV B92*, *TV Prva*, and *Happy TV*.

²⁵ According to the global [research](#) of the Reuters Institute, Serbia is the leader among 46 countries included in the global study with 65 per cent of the respondents avoiding the news due to “untrustworthiness and bias of the news”.

²⁶ The European Parliament Committee on Foreign Affairs 2022 [Report](#) published on 2 May 2023 reiterated that the state of freedom of expression and media independence remains a serious concern which needs to be addressed as a matter of the utmost priority and voiced concerns over ‘further deterioration of freedom of expression, the cases of hate speech and smear campaigns and the increasing number of strategic lawsuits against public participation (SLAPPs) in the country. The report reiterated that pressure, intimidation, harassment, hate speech and attacks on activists, journalists and media outlets were unacceptable and urged the authorities to investigate and prosecute all such offences. According to Freedom House’s [Nations in Transit](#), the rating of independent media has decreased from 4.00 in 2014 to 3.00 in 2023. In Reporters Without Borders’s 2023 [World Press Freedom Index](#), out of 179 countries Serbia is now ranked 63, as compared to 54 in 2014.

²⁷ The EP 2022 [Report](#) calls for greater transparency of media ownership and media financing, including making information about it available to the public, as well as for the creation of an environment that allows the independent and investigative media to access funding and operate safely.;

²⁸ In 2022, the Independent Journalists’ Association of Serbia (IJAS) documented 137 violations: 34 verbal threats, nine physical attacks, four attacks on property and 84 different attempts to pressure the media. Until the end of March 2023, 33 serious incidents were recorded: eight verbal attacks, three physical attacks and 22 acts of pressure on media and journalists.

²⁹ See OSCE RFoM [statements](#) on Serbia.

³⁰ These include the Law on Public Information and Media, the Law on Electronic Media and the Law on Public Media Services.

on the amendments, and acknowledged potential positive effects these amendments would have on media freedom, including strengthening independence of the REM by exclusion of political bodies from the process of nominating members of the REM Council. However, several ODIHR NAM interlocutors voiced concerns over the hasty process and rushed timeline of these changes, and the inclusion of proposals not previously discussed in working group meetings. They also criticized certain amendments, such as ability of state-owned telecommunications operator Telekom to purchase private media.

The LER defines the basic principles for media conduct during election campaigns and obliges public service media to ensure equal reporting about all contestants. All broadcast media are obliged to provide information about the contestants in a non-discriminatory and objective manner. Public service media are also obliged to provide equal airtime to contestants to present their platforms. The public service broadcaster Radio Television Serbia (*RTS*) is financed from subscription fees. The *RTS* stated that it plans to maintain the highest level of impartiality and cover the elections extensively, including through organizing talk shows and debates between contestants and their representatives. It also plans to cooperate with REC and air voter education spots, including in national minority languages. Many opposition parties pointed to their endemic lack of access to national private and public broadcasters for presenting their viewpoints in the periods between elections, and overall lack of critical coverage in the public media.

The oversight over broadcast media, including during the election campaign, is exercised by the REM.³¹ The REM informed the ODIHR NAM that it plans to monitor a number of television channels and publish the results of their monitoring on a weekly basis during the campaign, but indicated that full results of the monitoring with both quantitative and qualitative analysis will only be published after the elections. A number of ODIHR interlocutors opined that during previous elections REM exercised selective approach in sanctioning media for violations and the system of sanctions applied for violations of media legislation is ineffective due to protracted deadlines.

I. ELECTORAL DISPUTE RESOLUTION

Voters, candidates and submitters of candidate lists can file complaints. Complaints against decisions, acts or inactions of PBs are filed with the REC. Complaints against REC decisions are filed with the REC and these can be appealed to the Administrative Court as final instance. The complaints and appeals mechanism provides for expedited dispute resolution on matters related to the administration of elections prior to election day. The Law on Administrative Disputes does not require holding public hearings for appeals in the Administrative Court, and election-related appeals are heard *in camera*. The ODIHR NAM was informed by the Administrative Court about additional burden posed by election-related cases on the work of the court due to lack of additional human resources allocated for the election period.

The February 2022 legislative changes addressed a number of previous ODIHR and Venice Commission recommendations to enhance the effectiveness of dispute resolution, including allowing voters registered in a polling station to file complaints and extending the timeframes for filing and reviewing complaints, requiring publication of all decisions of REC and LECs within 24 hours and introducing a possibility to challenge PB results protocols and LEC decisions on tabulation of results. Representatives of some opposition parties voiced criticism over the 12 October REC decision to amend

³¹ One of the REM members resigned after new president of REM was appointed in 2020, due to apparent lack of transparency in the selection procedure and insufficient work of REM in regulating media. The draft media laws suggest new composition of the REM Council, however, these changes will not be applicable for the upcoming elections.

its instruction on handling electoral disputes and group cases, and stated that while it might provide faster decision-making process, it might negatively impact substantive review of the complaints.

Electoral disputes may also be brought before the Constitutional Court when all other legal remedies have been exhausted. The Constitutional Court is empowered to annul elections if it finds irregularities that may have influenced the result. Complaints on campaign finance irregularities and the misuse of administrative resources may be filed with the APC. The police, the Prosecutor, the Ombudsman and the Commissioner for Personal Data Protection may also deal with election-related cases upon a complaint. Some ODIHR NAM interlocutors voiced concerns about the effectiveness of the dispute resolution process and conduct of law enforcement and stated that trust in the election administration and judiciary to deal with the election-related cases impartially is limited.³²

J. PARTICIPATION OF NATIONAL MINORITIES

The Constitution guarantees the rights and freedoms of national minorities, including those related to political association, cultural institutions, education and access to information in their own languages, the rights to elect and to be elected. There are 23 national minorities in Serbia, which have constituted and exercise their rights through their respective National Minority Councils. Out of the 123 political parties listed in the registry administered by the MPALSG, 74 are registered as representing national minorities.

The 2009 Law on Political Parties contains provisions promoting participation of national minorities in public life and some ODIHR NAM interlocutors stated that some political entities that do not belong to minorities intended to misuse the preferential provisions for accessing the related benefits. The REC has the authority to grant minority status to candidate lists and ODIHR previously recommended that the legal criteria for such a decision should be clearer.

K. 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. In addition, registered candidates through their nominating entities may appoint authorized representatives to each election administration body. Several CSOs informed the ODIHR NAM of plans to conduct long-term and election day observation. Some of the CSOs informed ODIHR NAM of an alarming rise in pressure and verbal attacks directed towards them by representatives of the governing parties.³³

³² The EP 2022 Report highlights concerns about the laws on the judiciary in Serbia stating that they allow undue influence from the executive. The report “calls on Serbia’s public institutions to strengthen the safeguards for the independence and efficiency of the judiciary as a matter of priority; urges full alignment with the Venice Commission’s opinions on the set of judicial laws and for ensuring the implementation of solutions that remove any undue influence on the judiciary”.

³³ In the 2022 [Report](#) on Serbia, the European Commission strongly condemned the smear campaigns and attacks against CSOs, portraying them as traitors and enemies of the state. In February 2022, Serbia adopted its Strategy 2022 - 2030 for creating a stimulating environment for the development of civil society, along with an action plan. The 2023 Country [Report](#) of the Council of Europe Commissioner for Human Rights raised concerns over “the use of hateful rhetoric and the labelling of civil society organizations and human rights defenders by public officials as “criminal organisations”, “foreign agents”, “foreign mercenaries” or “traitors”.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors strongly emphasized the need for a large-scale ODIHR election observation activity and stressed the value they place in it for the early parliamentary elections. Many of them also emphasized the importance of a long-term and country-wide presence to cover all aspects of the process. They underlined that an impartial assessment would be of particular value due to an existing high level of political and social polarization, enhancing public confidence in the electoral process and potentially deterring malfeasances on election day. ODIHR NAM interlocutors mentioned a number of aspects that would merit further attention by an ODIHR election observation activity, including the conduct of the campaign, media coverage, campaign finance, election dispute resolution and election day procedures, and possible voter intimidation and misuse of state resources.

In considering an observation activity, the ODIHR NAM has taken into account the various findings outlined in this report and the opinions expressed by stakeholders. Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) to observe the upcoming early parliamentary elections, subject to the availability of resources. In addition to a core team of analysts, ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the electoral process countrywide, as well as 250 short-term observers for the observation of election day procedures. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Milan Milanović, Ambassador, Deputy Minister for Multilateral Cooperation
Nikola Ratković, Head of Department for OSCE and Council of Europe
Natasa Rasević, Minister Counsellor, Consular Affairs,
Aleksandar Tomić, Minister Counselor, Department for OSCE and Council of Europe

Ministry of Public Administration and Local Self-Government

Marina Dražić, Assistant Minister Ministry of Culture and Information
Ivana Radulović, Head of the Department for Operational and Technical Support Affairs, Sector for Registers
Aleksandar Marković, Head of the Department for Personal Status of Citizens, Sector for Registers

Ministry of Information and Telecommunications

Mihailo Jovanović, Minister
Katarina Tomašević, Assistant Minister
Dejan Stojanović, Advisor

Working group for co-operation with ODIHR

Dejan Đurđević, Director of the Republican Secretariat for Legislation, Chairperson
Tamara Stojčević, Deputy President
Vladimir Dimitrijević, Assistant President
Srđan Smiljanić, Member
Aleksandar Marković, Member
Milan Čuljković, Member
Jasmina Ćirković, Member
Dušan Jeličić, Member
Jelisaveta Radisavljević, Independent Advisor in the General Secretariat of the Government

Republic Electoral Commission

Vladimir Dimitrijević, President
Srđan Smiljanić, Secretary
Vesna Stojković, Member
Marija Jovanović, Member
Maja Pejčić, Member
Vladimir Petrović, Member
Dušan Dinčić, Member
Brankica Jović, Member
Jasmina Milošević, Deputy Member
Jasmina Belić, Deputy Member
Vladana Jović, Deputy Member

Administrative Court

Radojka Marinković, President
Dragana Vasić, Chief of Staff to the Court President

Agency for Prevention of Corruption

Dejan Damjanović, Director
Jasmina Ćirković, Section for conflict of interest and lobbying issues, APC
Dušan Jeličić, Assistant Director

Office of the Ombudsman

Zoran Pašalić, Ombudsman
Jovana Milovanović, Expert

Regulatory Authority for Electronic Media

Rajka Galin Čertić, Executive Director
Stevica Smederevac, Head of Monitoring and Analysis of Broadcasting Programs department
Srdjan Miljković, Project Analyst

Media

Dragan Bujošević, Director, Radio and Television of Serbia
Nenad Lj. Stefanović, Editor-in-Chief, Radio and Television of Serbia
Zoran Stanojević, Deputy Editor-in-Chief, Radio and Television of Serbia
Igor Božić, News Director, N1
Slobodan Georgiev, Information Editor, Nova TV
Zoran Sekulić, Editor-in-Chief, FoNet

Political Parties

Ksenija Marković, MP, Parliamentary Group Democratic Party
Snežana Paunović, Deputy Speaker of National Assembly, Socialist Party of Serbia
Okesz Rozalia, MP, Alliance of Vojvodina Hungarians
Usame Zukorlić, MP, Parliamentary Group “Za pomirenje”
Marinika Tepić, MP, Parliamentary Group “Pravac Evropa”
Pavle Grbović, MP, Parliamentary Group “Pravac Evropa”
Stefan Krkobabić, MP, Parliamentary Group PUPS – Solidarity and Justice
Zagorka Aleksić, MP, Parliamentary Group United Serbia
Nebojša Zelenović, MP, Parliamentary Group WE HAVE TO – TOGETHER
Djordje Stanković, MP, Parliamentary Group People’s Movement of Serbia
Branimir Jovanović, MP, Social Democratic Party of Serbia
Marina Lipovac Tanasković, MP, People’s Party
Radomir Lazović, Parliamentary Group Green – Left Front
Ivan Kostić, Parliamentary Group Dveri
Nikola Dragičević, Parliamentary Group Zavetnici
Milenko Jovanov, Parliamentary Group Serbian Progressive Party

Civil Society

Sladjana Komatina, Project Manager, CeSID
Tamara Branković, Policy Lab Coordinator, Center for Research, Transparency and Accountability (CRTA)
David Krstić, Legal Researcher, CRTA
Nemanja Nenadić, Program Director, Transparency Serbia
Zoran Gavrilović, Executive Director, Bureau for Social Research (BIRODI)
Saša Mirković, Deputy President, Association of Electronic Media
Tamara Filipović, Secretary General, Independent Journalist Association of Serbia
Jelena Petković, Investigative Journalist, Association of Journalists of Serbia

International Community³⁴

Representatives of diplomatic missions of Austria, European Union Delegation, France, Greece, Netherlands, Norway, Romania, Russian Federation, Spain, Switzerland, Türkiye, United Kingdom, and United States of America.

³⁴ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Serbia.