



Office for Democratic Institutions and Human Rights

**REPUBLIC OF SERBIA**  
**PARLIAMENTARY AND EARLY PRESIDENTIAL**  
**ELECTIONS**  
**6 and 20 May 2012**

**OSCE/ODIHR Limited Election Observation Mission**  
**Final Report**



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## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS</b> .....	<b>3</b>
<b>III.</b>	<b>BACKGROUND</b> .....	<b>4</b>
<b>IV.</b>	<b>ELECTION SYSTEM AND LEGAL FRAMEWORK</b> .....	<b>4</b>
<b>V.</b>	<b>THE ELECTION ADMINISTRATION</b> .....	<b>6</b>
A.	REPUBLIC ELECTORAL COMMISSION .....	6
B.	POLLING BOARDS .....	7
<b>VI.</b>	<b>VOTER REGISTRATION</b> .....	<b>8</b>
<b>VII.</b>	<b>CANDIDATE REGISTRATION</b> .....	<b>9</b>
<b>VIII.</b>	<b>ELECTION CAMPAIGN</b> .....	<b>10</b>
<b>IX.</b>	<b>CAMPAIGN FINANCE</b> .....	<b>11</b>
<b>X.</b>	<b>THE MEDIA</b> .....	<b>13</b>
A.	MEDIA LANDSCAPE .....	13
B.	MEDIA REGULATORY FRAMEWORK .....	13
C.	MEDIA COVERAGE OF THE FIRST ROUND .....	15
D.	MEDIA COVERAGE OF THE SECOND ROUND .....	16
<b>XI.</b>	<b>COMPLAINTS AND APPEALS</b> .....	<b>16</b>
A.	PRE-ELECTION COMPLAINTS .....	17
B.	POST-ELECTION COMPLAINTS .....	18
<b>XII.</b>	<b>DOMESTIC NON-PARTISAN OBSERVERS</b> .....	<b>18</b>
<b>XIII.</b>	<b>PARTICIPATION OF NATIONAL MINORITIES</b> .....	<b>19</b>
<b>XIV.</b>	<b>ELECTION DAYS</b> .....	<b>20</b>
A.	VOTING AND COUNTING .....	20
B.	TABULATION AND ANNOUNCEMENT OF RESULTS .....	20
<b>XV.</b>	<b>RECOMMENDATIONS</b> .....	<b>21</b>
	<b>Annex 1: FINAL RESULTS OF THE PARLIAMENTARY ELECTIONS</b> .....	<b>24</b>
	<b>Annex 2: FINAL RESULTS OF THE EARLY PRESIDENTIAL ELECTION</b> .....	<b>25</b>
	<b>ABOUT THE OSCE/ODIHR</b> .....	<b>26</b>

**REPUBLIC OF SERBIA**  
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**OSCE/ODIHR Limited Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the Ministry of Foreign Affairs and based on the recommendation of the Needs Assessment Mission conducted from 8 to 10 February, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 4 April deployed a Limited Election Observation Mission (LEOM) for the 6 May parliamentary elections. The mission also observed the concurrent early presidential election, which was called on 5 April, and remained in the country to follow the second round of the presidential election on 20 May. The OSCE/ODIHR LEOM assessed compliance of the election processes with OSCE commitments and other international standards for democratic elections, as well as with domestic legislation.

The parliamentary and early presidential elections provided voters with a large degree of choice between various political options, and were characterized by a respect for fundamental rights and freedoms. Although the media environment is pluralistic, active scrutiny of the campaign was lacking and media ownership is not fully transparent. While contestants expressed general confidence in the election process prior to the first round, from 9 May the campaign centred on allegations of election fraud made by four contestants, which other parties maintained were politically motivated. Additional efforts are needed to further enhance the integrity of the election process, particularly with regard to the electoral dispute resolution system, the transparency of voter registration, and professionalism of election administration.

The legal framework provides an overall sound basis for the conduct of democratic elections. Recent amendments and newly-adopted laws followed a number of previous OSCE/ODIHR recommendations and are consistent with the OSCE commitments and other international standards. The legal framework comprises a number of laws for different types of elections; in certain cases, their requirements are somewhat at odds and need to be reconciled. There was a broad consensus among electoral stakeholders that the electoral legal framework could be consolidated and harmonized, as previously recommended by the OSCE/ODIHR. The law also continues to lack provisions for international and domestic civil society observers.

Electoral commissions at all levels performed their duties efficiently and within legal deadlines, despite the significant amount of work, given the number of elections being held concurrently. The representation of electoral contestants at all levels of the election administration contributed to public confidence in the process. Commissions adopted most of their decisions in a collegial manner although, at times, decisions of the Republic Electoral Commission (REC) members appeared to have been influenced by political considerations. The important role played by the municipal and city electoral commissions and the working bodies in the parliamentary and early presidential elections underscored the need for an intermediate level of election administration to be established by law. In a positive development and in line with international good practice, the REC posted election results by polling station on its website.

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

For the first time, a single unified voter register was used in these elections in an attempt to increase accuracy, in line with previous recommendations. Implementation started late and there appeared to be a lack of transparency in the compilation of the register. Continued examination of the voter registration system highlighted a certain lack of clarity in the information and figures, which requires further systematic review.

Twelve presidential candidates and 3,065 National Assembly candidates were registered by the REC in an inclusive manner. The number and range of candidates provided voters with distinct choices between various political options. One third of parliamentary candidates were women, in accordance with legal requirements.

The campaign took place in a competitive environment, with respect for fundamental human rights and freedoms. It revolved mainly around socio-economic issues, unemployment, privatization, alleged corruption, and, to a lesser extent, EU accession and Kosovo. Allegations of widespread vote-buying amongst Roma, intimidation of employees by various sides and possible misuse of public resources, particularly prior to 6 May elections remained, in most cases, unsubstantiated but raised concern.

Regulation of political finance was strengthened by the adoption of a new law following a Joint Opinion of the OSCE/ODIHR and Council of Europe Venice Commission but could be further improved. The Anti-Corruption Agency (ACA) oversaw campaign expenditures for the first time. It did not file charges against any candidate or candidate list during the pre-election period, but requested information about individual campaign costs on two occasions. A more pro-active approach by the ACA and higher level of transparency in its work could improve its effectiveness in supervising political finance.

While voters were provided with a wide range of information about different contestants on the basis of which to make an informed choice, they could have benefited from more analytical and critical coverage of the campaign and of the state authorities. One factor contributing to the lack of critical coverage of the campaign and state authorities was a tendency towards self-censorship, which interlocutors partly attributed to the economic influence of state institutions in a context of a difficult financial situation.

The legal framework provides for a clear system of electoral dispute resolution. The REC reviewed all complaints in public sessions and decided each case in open voting, but without the possibility of parties concerned to present their cases. Deadlines for submitting complaints to the REC remain excessively short. The REC did not publish decisions regarding complaints, but provided them to the complainant and to all electoral contestants. Although certain complaints filed with the REC alleged serious irregularities, all complaints were dismissed mainly on procedural grounds. These factors diminished the effectiveness of the REC in providing legal redress and weakened its role in ensuring the integrity of the process. Appeals to the Administrative Court and complaints lodged with the Republic Broadcasting Agency were considered *in camera*, despite previous recommendations.

Representatives of national minorities participated in the elections both within their own parties and in coalitions with major parties. The Roma community was considered by certain OSCE/ODIHR interlocutors to be particularly vulnerable to possible malpractices.

Voting in the limited number of polling stations visited by the OSCE/ODIHR LEOM during both rounds proceeded in an orderly manner overall. Election commissions carried out their duties in

an efficient manner, although certain procedural problems were noted. During the first round, the small size of many visited polling stations combined with a very high number of polling board members at times resulted in overcrowding. Observers noted that the design of the voting screens did not ensure the secrecy of the vote, and that ballot boxes were occasionally poorly sealed. The vote count was carried out in a transparent and orderly manner, with staff generally adhering to established procedures. The tabulation process was conducted in a professional manner overall, despite some problems experienced during the first round.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs and based on the recommendation of the Needs Assessment Mission conducted from 8 to 10 February,<sup>2</sup> the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 4 April deployed a Limited Election Observation Mission (LEOM) for the 6 May parliamentary elections. The mission also observed the concurrent early presidential election, which was announced on 5 April, and remained in the country to follow the second round of the presidential election on 20 May. The OSCE/ODIHR LEOM was headed by Corien Jonker and consisted of 10 experts based in Belgrade and 12 long-term observers (LTOs) who were deployed around the country. Mission members were drawn from 17 OSCE participating States. Local elections were held concurrently with the national contests and were observed by the LEOM only to the extent that they impacted upon the conduct of the latter.

In line with the OSCE/ODIHR's standard methodology for LEOMs without short-term observers, the mission did not carry out comprehensive or systematic observation of election-day proceedings, but members visited a limited number of polling stations and followed the tabulation of results in some districts on both election days. The mission followed electoral proceedings on 6 May jointly with delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Matteo Mecacci (Italy), Head of the OSCE PA delegation, was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term observer mission. Jean-Charles Gardetto (Monaco) headed the PACE delegation. The OSCE/ODIHR LEOM remained in Serbia until 27 May and followed post-election developments.

The OSCE/ODIHR LEOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as domestic legislation. This final report follows two Statements of Preliminary Findings and Conclusions, which were released on 7 and 21 May 2012, respectively.

The OSCE/ODIHR LEOM wishes to thank the authorities of the Republic of Serbia for the timely invitation to observe the elections, and the Ministry of Foreign Affairs, the Republic Electoral Commission (REC), local authorities, as well as political parties, candidates, and civil society organizations for their co-operation. The mission also wishes to express appreciation to the OSCE Mission to Serbia and to diplomatic representations of OSCE participating States and international organizations for their co-operation throughout the course of the mission.

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<sup>2</sup> All previous OSCE/ODIHR reports with regard to Serbia can be found at: <http://www.osce.org/odihr/elections/serbia>.

### III. BACKGROUND

On 13 March 2012, President Boris Tadić called parliamentary elections for 6 May, simultaneously with local and provincial elections. On 5 April, the President resigned from his post, announcing that he would shorten his term and declared his intention to run as a candidate in early presidential election. The President cited the need for a new mandate from citizens in the wake of the EU's granting candidate status to Serbia as well as a motivation to save resources by holding all elections concurrently. On the same day, the parliamentary speaker called an early presidential election for 6 May. This was the first time since the emergence of multi-party elections in 1990 that three different types of elections were held simultaneously.

The last parliamentary elections were held on 11 May 2008. The OSCE/ODIHR LEOM concluded in the final report that they were "overall conducted in line with OSCE commitments and other international standards for democratic elections, although they were overshadowed, in part, by a few negative aspects of the campaign." In the 2008 presidential election, Mr. Tadić was re-elected in the second round with 50.31 per cent of the vote, against 47.97 per cent for Mr. Tomislav Nikolić, then Deputy Chairperson of the Serbian Radical Party (SRS).<sup>3</sup> The OSCE/ODIHR LEOM concluded in the final report that the election was conducted "mostly in line with OSCE commitments for democratic elections. ... The process was transparent and offered voters a genuine choice between distinct political perspectives."

### IV. ELECTION SYSTEM AND LEGAL FRAMEWORK

Two hundred and fifty members of the unicameral National Assembly are elected for four-year terms through a proportional representation system in a single nationwide constituency. Mandates are distributed between candidate lists that surpass a threshold of five per cent of ballots received by voters.<sup>4</sup> Parties representing national minorities are exempted from this threshold. The president is elected for five years. In the presidential election, a candidate needs to receive the majority of votes cast to win in the first round. If no candidate receives over 50 per cent of the votes cast, a second round is held within 15 days between the two leading candidates; the one who wins most votes is elected.

The Law on Election of Representatives (LER) and the Law on Election of the President (LEP) give the right to elect and to be elected to all citizens who have reached the age of 18 and are domiciled on the territory of Serbia. The Constitution establishes only citizenship, age and legal capacity as conditions for active and passive suffrage. Although the LER does not prohibit lists with a single candidate, neither does it expressly provide for self-nomination by an individual independent candidate, despite a previous recommendation.<sup>5</sup>

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<sup>3</sup> Although Mr. Tadić was first elected in 2004, a Constitutional Law on Enforcement of the Constitution of the Republic of Serbia specifically provided that his 2008 election be considered his first term following a new Constitution adopted in 2006.

<sup>4</sup> The threshold of five per cent is calculated on the basis of the number of voters who voted, which is determined by counting the circled ordinal numbers next to the voters' names in the voter register extract.

<sup>5</sup> See OSCE/ODIHR and Venice Commission of the Council of Europe (VC/CoE) Joint Opinion on Draft Laws on Electoral Legislation of Serbia, which recommended that "the law be amended to expressly provide for self-nomination by an individual independent candidate," Paragraph 54, p.13, available at <http://www.osce.org/odihr/elections/serbia/39946>. Paragraph 7.5 of the 1990 OSCE Copenhagen Document commits OSCE participating States to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."

Parliamentary and presidential elections are regulated primarily by the LER and the LEP, respectively, as well as by the 2006 Constitution. The LEP strongly relies on the LER for regulating most procedural aspects of the presidential election. The electoral legal framework is rather complex and also includes the recently-adopted Law on Financing of Political Activities (LFPA), the Law on Single Electoral Roll (LSER), the Law on Political Parties (LPP) adopted in 2009, and the Broadcasting Law. Certain aspects of the electoral process are regulated by decisions and instructions issued by the REC, and its Rules of Procedure. The electoral legal framework provides a sound basis for the conduct of democratic elections.

In line with previous OSCE/ODIHR recommendations and OSCE commitments, the LER was improved by amendments in 2011 stipulating allocation of mandates according to the order in which candidates appear on the candidate lists. This abolished the long-criticized practice of blank resignations and removed the provisions that gave parties disproportionate power in arbitrarily choosing candidates from their list to become MPs.<sup>6</sup> The Constitution, however, continues to provide for such an imperative mandate, which was the basis for the previous practice.<sup>7</sup> Concerns remained regarding whether some parties were ready to embrace the legal changes fully.<sup>8</sup> Amendments also introduced a requirement that at least every third candidate on each list is of the “less represented” gender.<sup>9</sup>

The LER could be further improved to eliminate inconsistencies and gaps. In certain cases, requirements of various laws for the different types of election are somewhat at odds and need to be reconciled. In the context of a simultaneous conduct of several types of elections, it appeared to be particularly challenging to determine Polling Board (PB) composition, transfer additional functions to the municipal, town and city election commissions (MECs), and delineate jurisdictions of the REC operating in two different extended compositions.<sup>10</sup> The legal framework also prescribes different methods of calculating the number of voters who voted<sup>11</sup> and of determining the order of candidates and lists on the ballot for different kinds of elections. There was a broad consensus among electoral stakeholders that the legal framework could be consolidated and harmonized, as previously recommended by the OSCE/ODIHR.

The LPP establishes significant costs for verifying signatures of those founding political parties while the LER provides for a fee for the verification of signatures in support of an electoral list nomination.<sup>12</sup> These costs could unreasonably restrict political participation and to some extent

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<sup>6</sup> Previously, the mandate of an elected deputy was terminated if s/he ceased to be a member of the political party or coalition on whose candidate list s/he was elected, or such party/coalition ceased to exist. Article 88 of the LER now provides that a resignation of a deputy must be personally submitted to the parliamentary speaker within three days of having his/her signature on the resignation letter verified by the authority competent for verification of such signatures.

<sup>7</sup> See Article 102. This is in conflict with Paragraph 7.9 of the 1990 OSCE Copenhagen Document. The Venice Commission of the Council of Europe (VC/CoE) criticized this provision of the Constitution in its opinion on the 2006 Constitution of Serbia, see [http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)004-e.pdf](http://www.venice.coe.int/docs/2007/CDL-AD(2007)004-e.pdf).

<sup>8</sup> One party publicly admitted that it had required its candidates to pay a compensation of 10 million RSD (approximately 90,000 EUR) in the event that they move to another party after the elections.

<sup>9</sup> The law, however, remains silent regarding a possible case when a list contains equal number of men and women and, thus, there is no “less-represented gender.”

<sup>10</sup> For these elections, the REC operated in two compositions: one that included members of extended composition of the REC appointed by presidential candidates and one that included the extended composition of members appointed by the contestants in the parliamentary elections.

<sup>11</sup> In the parliamentary elections the number of the votes cast is determined by the number of circles in the voter register extract against the names of voters, while in the presidential election this figure is based on the number of ballots found in the ballot box.

<sup>12</sup> The minimum cost of verification of founders’ signatures required to register a political party and the administrative fees total approximately EUR 48,000. Registering a national minority party would cost

limit the commitment made under Paragraph 7.6 of the 1990 OSCE Copenhagen Document. Additionally, this may also lead to the possible abuse of the LER provision intended to ensure the representation of national minorities in the National Assembly.<sup>13</sup>

## V. THE ELECTION ADMINISTRATION

The parliamentary and early presidential elections were organized by two levels of election administration comprising the REC and 8,391 PBs.<sup>14</sup> The LER does not provide for intermediate election administration bodies for national elections. The REC appointed 33 of its members or deputy members as regional co-ordinators who were responsible for certain areas of the country, including, among other things, delivery of election materials and their retrieval after the elections.

Electoral commissions at all levels performed their duties efficiently and within legal deadlines, despite the significant amount of work given the number of elections being held concurrently. The commissions adopted most of their decisions in a collegial manner, although, at times, decisions of the REC members appeared to have been influenced by political considerations. Women appeared to be well-represented in PBs, but less so in the REC.

### A. REPUBLIC ELECTORAL COMMISSION

The REC is a permanent body composed of a chairperson and 16 permanent members appointed for four-year terms by the political parties represented in the National Assembly. The REC also has two non-voting members – a secretary and a representative of the National Statistical Office (RSO).<sup>15</sup> The chairperson, the secretary and each of the 16 members have deputies who can act on their behalf. During elections, each registered electoral contestant has the right to appoint a representative to serve as an extended member of the REC with the same rights and duties as permanent members. The quorum requires the majority of the REC members to be present and decisions to be taken by a majority vote.

The REC established common technical arrangements for the co-ordinated conduct of all elections,<sup>16</sup> including procedures for the formation of PBs, establishment of election results, and the division of work. Municipal and city electoral commissions of Belgrade and Niš (MECs),<sup>17</sup> as well as *ad hoc* working bodies established by the REC in those municipalities and towns where

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approximately EUR 4,800. Additionally, it costs RSD 50 (approximately EUR 0.5) to verify each of the 10,000 supporting signatures required to be able to stand in election.

<sup>13</sup> One party openly admitted to the OSCE/ODIHR LEOM that they registered as a national minority party to bypass what they considered restrictive limitations of the LPP.

<sup>14</sup> This figure includes 90 PBs established in Kosovo, as well as 38 PBs in 22 countries.

<sup>15</sup> For these elections, the REC composition was the following: eight members from the Democratic Party (DS), eight from the SRS, four from the Socialist Party of Serbia (SPS), three each from the Serbian Progressive Party (SNS), the Democratic Party of Serbia (DSS), and the United Regions of Serbia (URS), two from the Liberal Democratic Party (LDP), and one each from the Christian Democratic Party of Serbia (DHSS), the Alliance of Vojvodina Hungarians (SVM), the League of Social Democrats of Vojvodina (LSV), the Serbian Renewal Movement (SPO), and the New Serbia (NS). The REC Chairperson was from the DS and the Secretary from the SPS.

<sup>16</sup> The REC adopted the Instructions on Carrying Out of Elections of the Representatives to the National Assembly and of the Elections of the President of the Republic, as well as the Operating Rules for the Polling Boards for Coordinated Conduct of All Elections called for 6 May, in accordance with Article 2 of the Law on Altering and Amending the Law on Local Elections adopted in 2011. The Instructions were adopted on 16 March while the Operating Rules were adopted on 27 March; both were amended on 9 April in order to include provisions for the presidential elections.

<sup>17</sup> These commissions were instituted in accordance with the Law on Local Elections.

no local elections were held,<sup>18</sup> performed various logistical tasks. Co-ordination between the REC and the MECs and working bodies was generally good, as confirmed by OSCE/ODIHR LTOs. However, the important role played by the MECs and the working bodies in the parliamentary and early presidential elections underscored the need for an intermediate level of election administration to be established by law, as previously recommended by the OSCE/ODIHR.

The REC held daily sessions throughout the election period that were open to accredited international and domestic observers and to media. The agenda of the sessions was never posted on the REC website, and the materials for each session were distributed just before its start. The REC published only summary minutes of the sessions, albeit not on a daily basis. The REC secretariat appeared understaffed, taking into account the volume of logistical preparations required for each session. While all REC decisions prior to the 6 May elections were adopted in a collegial manner, the adoption of the final results of the 6 May elections and certain other decisions related to complaints showed an increased polarization of the REC along party lines.<sup>19</sup> Some REC members voted to dismiss complaints regarding alleged irregularities, such as a number of cast ballots greater than the number of voters marked, missing control slips, or family ties between PB members. In addition, several REC members criticized the REC's inability to act on its own initiative in cases of serious violations.

Voter education was limited, and voter awareness campaign was conducted mainly by the Ministry of Human and Minority Rights, Public Administration and Local Self-Government and the MECs, due to the lack of an institutional role of the REC.<sup>20</sup> Voters could have benefited from a broader voter information campaign, especially with regard to the new provisions of the law concerning voting at a temporary residence and abroad. Since the mandate of the REC does not include organization of training for lower level commissions, MECs were responsible for training the PB members.

## **B. POLLING BOARDS**

The PBs, appointed by the REC, also operate under a permanent and extended composition. According to the LER, the permanent composition consists of a chairperson and two members, each with a deputy; for the multiple elections conducted concurrently, the permanent composition of PBs was increased to comprise a chairperson and six members, each with a deputy. According to the REC instructions, some members were nominated to reflect the proportionality of the parliamentary factions and some of the local councils.<sup>21</sup> The REC instructions did not specifically address the issue of formation of PBs for the second round of the early presidential election.<sup>22</sup>

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<sup>18</sup> These were the following municipalities/towns: Arandelovac, Bor, Voždovac, Vrbas, Zemun, Kovin, Kosjerić, Kula, Negotin, and Odžaci.

<sup>19</sup> With 15 votes the minimum necessary to meet the simple majority requirement for the adoption of the results, 16 members endorsed the first round presidential election results and 11 rejected them. The final results of the parliamentary elections were endorsed by 20 REC members with 12 voting against.

<sup>20</sup> In accordance with international good practice, public authorities should "Initiate or facilitate national programmes of civic education, to ensure that the population is familiar with election procedures and issues." See Inter-Parliamentary Union "Declaration on Criteria for Free and Fair Elections" at <http://www.ipu.org/cnl-e/154-free.htm> and Paragraph 3.1 (b) of the VC/CoE Code of Good Practice in Electoral Matters, p. 8.

<sup>21</sup> Nomination of the permanent composition of the PB took place as follows: the chairperson, two members and three deputy members were appointed at the nomination of the parliamentary groups of the National Assembly, while the deputy chairperson, four members and three deputy members – at the nomination of local councils.

<sup>22</sup> According to Article 7 of the LEP, "The elections for the President of the Republic shall be conducted and implemented by the bodies appointed for the implementation of the elections for the Members of the National Assembly."

Therefore, an increased composition of PBs was still applicable for the run-off, despite the PBs comprising representatives of the local councils.

To ensure appropriate representation of the contestants in all types of elections, the REC instructions provided for a hierarchical nomination mechanism of members and their deputies to the extended composition of the PBs. As confirmed by OSCE/ODIHR LEOM interlocutors, this enhanced public confidence in the election administration.

## VI. VOTER REGISTRATION

All citizens over the age of 18 with domicile in the country and possessing legal capacity are entitled to vote. After the entry into force of the LSER in December 2011, the Ministry of Human and Minority Rights, Public Administration and Local Self-Government started compiling a unified electronic voter register on the basis of the previous multiple voter lists that had been maintained by municipalities. For the first time, a single unified voter register (UVR) based on a system of permanent registration was used during these elections. It served as a single data source from which voter lists for each PB were extracted. In accordance with new legal provisions, voters could register to cast their ballots at a place of temporary residence or abroad. As an additional safety measure, the use of invisible spray upon voting was retained in the law.

Based on the data provided by the Ministry, the REC announced on 22 April that 7,026,579 citizens were eligible to vote in the elections, representing an increase of 276,891 voters (approximately 4.1 per cent) compared to the 2008 parliamentary elections. Following a period of extensive verification and efforts to eliminate duplicate entries in collaboration with the municipalities, in which more than half of all voters' records were corrected, the REC announced on 3 May the total number of voters registered for these elections at 6,770,013.<sup>23</sup> There was no requirement for voter lists to be displayed for public scrutiny during verification, but voters were able to examine their registration upon request at municipalities and through the Ministry website or via a short message service (SMS) system. In addition, the law provides that each voter was to receive an individual notification regarding the location of his/her polling station at least five days before election day.

Although most interlocutors welcomed the new UVR, they commented on the late start of the register's implementation. There appeared to be lack of transparency in its compilation and the OSCE/ODIHR LEOM was not permitted to observe the implementation of special software, utilized to compile the register, at the national level or in the municipalities.<sup>24</sup> The LSER and the implementing instructions issued by the Ministry permitted electoral contestants to review the voter register or request amendments. Although the REC instructions entitle the submitters of candidate lists to review "the entire electoral roll," the Ministry maintained that no one would be able to review the entire voter register. This made it difficult to alleviate concerns of some

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<sup>23</sup> The authorities made considerable effort in compiling the voter register in view of a short timeframe, correcting data of some 3.5 million citizens. The Ministry eliminated duplicate entries by verifying its data with the municipalities and police records: on 9 March, records contained 154,323 double entries, which was decreased to 56,930 by 10 May. Although acquiring a unique 13-digit identification number (JMBG) is not a prerequisite to be included in the UVR, the number of registered voters without JMBGs was decreased from 12,795 on 9 March to 3,530 on 10 May. The number of voters with invalid JMBGs totalled 8,681 on 10 May.

<sup>24</sup> The authorities explained this by the provisions of the newly adopted Law on Personal Data Protection. Paragraph 3.3.1.68 of the VC/CoE Code of Good Practice in Electoral Matters provides that "only transparency...will ensure proper administration of the election process..."

contestants that a substantial number of voters who provided supporting signatures were not registered as voters, or to counter reports of a number of unregistered people.

OSCE/ODIHR LEOM observers and other interlocutors noted some specific problems regarding voter registration during both rounds. In particular, in Preševo and Bujanovac, extracts of the UVR were not always printed in the official national minority language (Albanian) but only in the Serbian Cyrillic script, contrary to law.<sup>25</sup> This resulted in some voters not being immediately able to find their names on the voter lists and subsequent complaints were filed with the REC by the Coalition of Albanians from Preševo Valley and individual voters.

Citizens out of the country could submit a written request to vote abroad to the diplomatic and consular offices, or to the municipality of their last permanent residence in the country. Approximately 6,000 voters registered abroad. This small number was attributed by some interlocutors to the low interest of citizens abroad and also to the limited scope of a voter awareness campaign that was conducted mainly by the Ministry of Foreign Affairs.<sup>26</sup>

As OSCE/ODIHR LEOM interlocutors confirmed, a number of voters residing outside Serbia were not able to vote abroad, despite submitting their request in line with the legal requirements, as they were still registered at their permanent place of residence in Serbia. This appeared to have been a result of miscommunication between the responsible institutions.

For the second round, the UVR was updated based on decisions of the Ministry and contained 6,771,479 voters, an increase of 1,466 compared to the first round. Continued examination of the voter registration system highlighted a certain lack of clarity in the information and figures, which requires further systematic review.

## VII. CANDIDATE REGISTRATION

Twelve candidates and 18 lists comprising 3,065 candidates were registered in an inclusive process for the early presidential and parliamentary elections, respectively.<sup>27</sup> Among the presidential contestants were former president Mr. Boris Tadić, the chairperson of the DS and also the leader of 'Choice for Better Life' coalition, and Mr. Tomislav Nikolić, the chairperson of the SNS and also the leader of the 'Let's Get Serbia Moving' coalition. The coalition of the SPS, the Party of United Pensioners (PUPS) and the United Serbia (JS) nominated Mr. Ivica Dačić, Minister of Interior and the leader of the SPS.<sup>28</sup>

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<sup>25</sup> Article 7 of the LSER states that "the first name and surname of a voter who belongs to a national minority is entered in two ways: first in the Cyrillic script and as spelled in Serbian, and after that also in the script and spelling in the language of the member of the national minority."

<sup>26</sup> VC/CoE and OSCE/ODIHR welcomed "that voters residing abroad have been provided with the opportunity to register to vote," Paragraph 17 of the Joint Opinion of the VC/CoE and OSCE/ODIHR on Draft Laws on Electoral Legislation of Serbia, see <http://www.osce.org/odihr/elections/serbia/39946>.

<sup>27</sup> Parliamentary elections were contested by the electoral lists of 9 political parties, 7 coalitions (comprising 41 political parties and 5 associations), and 2 groups of citizens.

<sup>28</sup> Other competitors included Mr. Vojislav Koštunica, leader of the DSS, Mr. Čedomir Jovanović, leader of the LDP, nominated by the coalition Turnover, Mr. Zoran Stanković, nominated by the URS, Mr. Vladan Glisić, nominated by the Dveri Movement (group of citizens), Mr. Zoran Dragišić, nominated by the Movement of Workers and Farmers (group of citizens), Ms. Jadranka Šešelj, nominated by the SRS, Mr. Muamer Zurković, nominated by a group of citizens, Ms. Danica Grujičić, nominated by the Social Democratic Alliance, and Mr. Istvan Pasztor, nominated by the Alliance of Vojvodina Hungarians.

Those submitting a candidate list including national minority parties, and potential presidential candidates had to collect at least 10,000 supporting signatures to be registered. Each voter could support only one list and one presidential candidate. Supporting signatures were certified by lower-level courts, which made a considerable effort to undertake this task, including satisfying a large number of requests to conduct certification in various places outside the courts' premises. Prospective contestants had to cover the costs of signature verification, as described above.

Although not provided by law, for the first time the Ministry of Human and Minority Rights, Public Administration and Local Self-Government verified whether the signatories were registered as voters. The relatively high number of signatories who could not be identified in the UVR combined with the lack of transparency in the UVR compilation led to allegations by political parties that a number of voters were unregistered.

The order of candidate lists on the ballot was determined by their order of registration with the REC, while the order of presidential candidates was determined by a lot drawn on 20 April. Ballots were printed centrally and included national minority languages for those municipalities where such languages are in official use.

## VIII. ELECTION CAMPAIGN

The official campaigns for the parliamentary and early presidential elections commenced on 13 March and 5 April, respectively, and both concluded on 4 May. While the legislation stipulates that the electoral campaign starts once parliamentary elections are called, many interlocutors pointed out that the parties had been engaged in election-related activities for several months prior to the call.

The campaign took place in a competitive environment, with respect for fundamental human rights and freedoms. Electoral contestants were able to campaign freely, as acknowledged by most of the candidates that the OSCE/ODIHR LEOM met with. The campaign atmosphere was calm overall, with only isolated and minor incidents of violence that took place prior to the 6 May elections.<sup>29</sup> Billboards, posters, campaign stalls, door-to-door canvassing and candidate meetings were visible across the country, especially in the urban centres. Parties and candidates made use of the internet, including social networks and blogs. The campaign revolved mainly around socio-economic issues, unemployment, privatization, alleged corruption, and, to a lesser extent, EU accession and Kosovo. While a number of candidates were registered for both parliamentary and local elections, they seemed to be more focused on the local races. The campaign gained momentum during the last two weeks before 6 May with presidential candidates holding rallies extensively throughout the country. The contest between Mr. Tadić and Mr. Nikolić dominated both the presidential and parliamentary campaigns.

A number of candidates, party representatives and other OSCE/ODIHR LEOM interlocutors publicly alleged intimidation of employees by various sides and possible misuse of public resources, but were unable to substantiate their concerns.<sup>30</sup> The pervasiveness of these allegations was something that raised concern among some OSCE/ODIHR LEOM interlocutors and

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<sup>29</sup> For example, on 12 April in Zemun, a group of SRS activists, who were putting up posters, were attacked by a group of SNS supporters. The police intervened, arresting one person. In another incident, on 20 April, activists of the Bosniak Democratic Community (BDZ) clashed with activists of Party for Democratic Action of Sandžak (SDA) in Tutin.

<sup>30</sup> Such claims were received in Vranje, Batočina, Vladičin Han, Šabac, Kragujevac, Niš, Preševo Valley, and Sremska Mitrovica.

decreased their confidence in the fairness of the election process. Additionally, many political parties and candidates repeatedly alleged a lack of equitable access to the media.

Two days before the 6 May elections, a number of ethnic Albanians, including a local candidate, were arrested in connection with the alleged commission of war crimes in 2001. These arrests were announced by the Minister of Interior and presidential candidate, Mr. Dačić, in a highly visible manner. Some interlocutors raised questions with regard to the timing of these arrests of these individuals, who were released immediately after the elections. The arrests prompted a demonstration of some 2,000 people on the next day. While leaders of several Albanian parties initially considered boycotting the elections, they decided to stay in the race.

Since no presidential candidate received a majority of votes cast, a second round was called for 20 May. Negotiations over government formation dominated the early stages of the run-off campaign. On 9 May, the DS and the SPS agreed in principle to form a majority coalition in the National Assembly and Mr. Tadić also secured the backing of the SPS for the presidential run-off. On 16 May, the DSS agreed to co-operate with the SNS in the newly-elected parliament and called on voters to support Mr. Nikolić.

The campaign intensified and was overshadowed by the accusations of electoral fraud made by the SNS leadership against the DS. Mr. Nikolić accused the DS of instrumentalizing non-existent and deceased voters in the UVR in their favour and filed complaints alleging electoral fraud with several institutions. Some other contestants also expressed concern over the accuracy of the election results.<sup>31</sup> The SNS organized a number of protests throughout the country and announced a possible boycott of the vote. On 13 May, Mr. Nikolić nevertheless announced his decision to stay in the race.

As before the first round, the campaign environment was vibrant in the run-up to the second and the two candidates were able to campaign unhindered. There were no instances of election-related violence reported, but the tone of the campaign was more negative. Both candidates travelled extensively throughout the country and used billboards, posters, rallies, and media appearances to campaign, although to a lesser extent than before the first round.

## IX. CAMPAIGN FINANCE

The LFPA that came into force in June 2011 provides for a tighter control of political finance both during and outside the election campaign. The adoption of LFPA was thus considered an improvement by many OSCE/ODIHR LEOM interlocutors. These were also the first elections in which the Anti-Corruption Agency (ACA) was tasked with the control over campaign finance.

Electoral contestants could use funds from public and private sources for their campaigns. The LFPA increased the amount of public funding for parties' campaigns as compared to the amount provided for by the previous legislation.<sup>32</sup> The LFPA provides for 0.1 per cent of the state budget (approximately EUR 8 million) to be allocated to election campaign funding during each parliamentary and presidential elections. Parts of these funds (20 percent for the parliamentary and 50 per cent for the presidential elections) are equally distributed between all contestants in

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<sup>31</sup> These were the *Dveri* for Life of Serbia, the Movement of Peasants and Workers, and the Alliance of Vojvodina Hungarians.

<sup>32</sup> The public funding for this election constituted approximately RSD 880 million (approximately EUR 8 million) for each type of the national elections.

the corresponding elections. The rest is split between the parliamentary contestants proportionally to the number of seats obtained and, in case of presidential election, is either allocated to the winner in the first round or is equally split between the candidates competing in the run-off. To receive the first portion of the campaign funding, contestants have to put up a bond equal to this portion of the funding, which is returned to parties that obtain at least 1 per cent (at least 0.2 per cent for national minority parties) of valid votes. All contestants, except presidential candidate Istvan Pasztor and the Communist Party accepted such funds for their campaign and were able to post the necessary bond.

Despite the potentially positive effect of the LFPA, there are also some shortcomings which may undermine its effectiveness and it would therefore benefit from a thorough review.<sup>33</sup> The LFPA lacks clarity on how to differentiate between the funding of regular and campaign-related party activities; does not provide a clear mechanism or a reference to other legislation for evaluating non-monetary contributions; lacks sufficient provisions regarding loans; and contains inconsistencies with regards to sanctions for violations.<sup>34</sup> Some of these provisions have the potential of giving an unfair advantage to some of the contestants. In addition, the limits on private funding set by the LFPA appear to be too high to be effective.<sup>35</sup> On the other hand, a number of interlocutors estimated that parties depend on public funds for 70 to 90 per cent of their financing, which is of concern given that this level of public funding may create an over-dependence of parties on state subvention.<sup>36</sup>

For these elections, the ACA had six staff members assigned to oversee political finance. In addition, it hired and trained 165 staff to monitor and analyze campaign expenditures throughout the country in co-operation with a local NGO, CeSID. The ACA relied on monitoring of paid political advertising in the broadcast media by the Republic Broadcasting Agency (RBA) to estimate expenditures on this campaign method. In the pre-election period, the ACA did not file charges against any candidate or candidate list, but requested information about campaign costs on two occasions.<sup>37</sup> A more pro-active approach by the ACA and higher level of transparency in its work could improve its effectiveness in supervising political finance.

The ACA has the power to bring misdemeanour charges against those violating the LFPA in the misdemeanour courts or request the public prosecutor to bring charges for violations deemed criminal by the LFPA.<sup>38</sup> The OSCE/ODIHR LEOM was not aware of any misdemeanour charges

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<sup>33</sup> See also the recommendations of the 2010 GRECO review of the system of political party and campaign finance:

[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2010\)3\\_Serbia\\_Two\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2010)3_Serbia_Two_EN.pdf).

<sup>34</sup> The LFPA prohibits the use of public funds distributed between parties represented in elected bodies at all levels (0.15 per cent of the budgetary expenditure at a corresponding level) for funding their election campaigns. Article 39 of the LFPA provides for sanctions for receiving funding from prohibited sources listed in Paragraph 3 of Article 12 of the law but not in other paragraphs of the same article.

<sup>35</sup> The limit of donation by a private individual in an election year is 40 average monthly salaries (approximately EUR 20,000 at a monthly salary rate of May 2012), while for a company the donation can be up to 400 average monthly salaries in an election year (i.e. approximately EUR 200,000). Paragraph 175 of the OSCE/ODIHR and VC/CoE "Guidelines on Political Party Regulation" indicates that limitations on private contributions "have been shown to be effective in minimizing the possibility of corruption or the purchasing of political influence," <http://www.osce.org/odihr/77812?download=true>.

<sup>36</sup> See the Joint Opinion of the OSCE/ODIHR and VC/CoE on the Revised Draft Law on Financing Political Activities, available at [http://www.venice.coe.int/site/dynamics/N\\_Opinion\\_ef.asp?L=E&OID=620](http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&OID=620).

<sup>37</sup> In one instance, the ACA requested information from the SNS regarding the visit of the former New York Mayor Mr. Rudy Giuliani to Belgrade. In another one, the DS was requested to provide information about Mr. Tadić's visit to Hannover, Germany. No information was made available to the OSCE/ODIHR LEOM regarding the outcomes of these two requests.

<sup>38</sup> Article 38 of the LFPA lists the violations that should be prosecuted as criminal offenses.

brought or criminal cases launched in relation to these elections. The State Auditor's Office, which may be requested by the ACA to audit campaign spending reports, publicly announced that it lacked the capacity to audit regular and campaign reports of parties and, thus, would not do so in 2012; it stressed that it planned to audit all reports submitted by the parties in 2013.

Political parties are required to report to the ACA only 30 days after the announcement of election results and are not obliged to provide information on campaign expenditures during the election process. At the same time, the LFPA does not require the ACA to publish its conclusions on parties' campaign financing reports, nor does it set a deadline for publishing such reports on the ACA's website. Taken together, these factors may undermine the effectiveness of the control mechanisms introduced by the LFPA and can potentially decrease the public's trust in the way electoral campaigns are financed.

## X. THE MEDIA



### A. MEDIA LANDSCAPE

Serbia has pluralistic media comprising public and private broadcasters and a wide range of print and online editions that generally provide voters with diverse information about politics and elections. Television is by far the most important source of information with the main channel of the public *Radio-Televizija Srbije, RTS1*, and private broadcasters *Pink, Prva*, and *B92* being the most popular channels. Notwithstanding the drops in circulation, newspapers are still an important source of information with their online editions growing in recent years. Significant papers with political content include *Blic, Večernje Novosti, Danas, Politika* and a number of weekly editions. The use of digital and social media has gradually increased and they serve as an additional source of information.

The high number of media outlets operating in a relatively small market, however, makes it difficult for them to be financially viable. In its 2011 report, the Anti-Corruption Council (ACC), a government-appointed advisory body, indicated that the main problems included a lack of transparency in media ownership and the economic influence of state institutions on the media, among other issues.<sup>39</sup> In addition, most OSCE/ODIHR LEOM interlocutors, including media representatives and civil society, expressed concerns regarding a tendency towards self-censorship, which they attributed to the current situation with the advertising market and to pressure exerted on media by political parties and authorities, particularly at the local level.<sup>40</sup> These factors, combined with a difficult financial situation, weakened the media's ability to resist political and economic pressure.

### B. MEDIA REGULATORY FRAMEWORK

The LER and LEP contain provisions regulating media conduct during campaigns: they provide for paid political advertising, but also oblige all broadcasters to ensure "equal accessibility" to

<sup>39</sup> Report "Pressures on & Control of Media in Serbia" is available at <http://www.antikorupcija-savet.gov.rs/Storage/Global/Documents/mediji/IZVESTAJ%20O%20MEDIJIMA%20PRECISCEN%20ENG.pdf>. See also Paragraphs 8.18 and 8.19, 53 of the CoE Report "Indicators for media in a democracy", at <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11683.htm>.

<sup>40</sup> According to the ACC report, public relations agencies, marketing and production agencies are mainly owned by party activists and related people and play a special role in funding media and keeping them in economic dependence and uncertainty. See also Recommendation CM (2007)2 by the CoE Committee of Ministers on media pluralism and diversity of media content, available at <https://wcd.coe.int/ViewDoc.jsp?id=1089699>.

contestants.<sup>41</sup> The RBA supplemented these provisions by issuing detailed instructions on 9 March that obliged all public-service broadcasters to allocate free, balanced and non-discriminatory coverage of all electoral contestants. *RTS* complied with its legal obligations, allocating 30 minutes of free, prime-time coverage to each contestant once. This airtime was, however, offered on channel *RTS2* that has a significantly lower audience share than *RTS1*. Between rounds, both presidential candidates participated separately in a talk show programme and met in a televised debate organized by *RTS1*. Contestants could also purchase up to five minutes of paid political advertising per day on each public and private channel under equal conditions. However, some OSCE/ODIHR LEOM interlocutors expressed concerns regarding the total paid political advertising (up to 90 minutes daily per channel), which they felt could still represent an excessive influence of parties' propaganda on the overall electoral information provided to voters.

RBA is the key regulatory body responsible for licensing and overseeing activities of the broadcast media. A supervisory board, which, according to the LER, is responsible for overseeing the campaign and media coverage during an election, was not appointed for these elections, despite legal requirements.<sup>42</sup> Its role was partially performed by the RBA, which monitored coverage of campaign by broadcast media and dealt with media-related complaints.

The law does not explicitly task the RBA with functions in deciding on election-related complaints, nor does it give relevant tools for RBA to exercise such functions effectively during the elections. In fact, imposition of sanctions for possible violations may take place after the election process is over. The RBA adopted the approach of issuing opinions and warnings to the broadcasters in order to prevent what may be perceived as violations of the law. The RBA received numerous complaints and took action on several of them.

Prior to the 6 May elections, the RBA requested *Pink TV* to stop broadcasting a paid advertisement spot by the LSV blaming Slobodan Milošević and Vojislav Koštunica for problems during the privatization of an oil company.<sup>43</sup> Some media breached the campaign silence period and, on 6 May, the RBA ordered cable operators to stop broadcasting five television channels, and during the second round silence period, one channel was taken off air.

Despite repeated requests by the OSCE/ODIHR LEOM to provide detailed information regarding complaints or copies thereof prior to the first round, the RBA only did so after the 6 May elections, when it also allowed the LEOM to observe its proceedings. When the RBA found it necessary, they invited the media in question to provide explanations during proceedings they held on complaints. Nonetheless, adjudication of complaints by the RBA lacked transparency for the general public.<sup>44</sup> This undermined the potentially positive role the RBA could have played in remedying broadcast-related complaints.

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<sup>41</sup> Articles 5 and 48-51 in the LER and the LEP. Additionally, the Law on Advertisement applies to campaign materials, television and radio spots.

<sup>42</sup> Article 99 of the LER stipulates that "general supervision of activities of political parties, candidates and the mass media in the course of electoral activities shall be performed by supervisory board [...]".

<sup>43</sup> The RBA decided that the spot violated its instructions not to insult the honour and dignity of citizens and other participants in the campaign (see RBA binding instruction section I Article 16). The LSV leader in turn called the decision to ban the spot censorship.

<sup>44</sup> While the conclusions of the RBA regarding complaints were available on its website, it did not publish decisions in full. This is at odds with Paragraph 8.15 of the CoE Report "*Indicators for media in a democracy*", available at <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11683.htm>.

### C. MEDIA COVERAGE OF THE FIRST ROUND

The media transmitted a variety of political opinions to voters in talk shows, free-of-charge and paid presentations, news reporting, and televised debates. While voters were provided with a wide range of information about different contestants on the basis of which to make an informed choice, they could have benefited from a more analytical and critical coverage of the campaign and of the state authorities. Such coverage was only provided by a small number of on-line media, and internet social media, whose impact was lower than that of television.

The OSCE/ODIHR LEOM media monitoring<sup>45</sup> showed that during the four weeks preceding the 6 May elections, television channels equitably covered all contestants in their news reports on the campaign. This coverage was, however, characterized by the almost complete lack of analytical reporting: almost 70 per cent of the overall combined coverage given to the parties and the government by all television channels was positive in tone and only 1 per cent was negative.

*RTSI* broadcast three debates between representatives of the candidate lists of seven parties represented in the outgoing parliament. Representatives of 7 of the remaining 11 candidate lists took part in primetime talk shows on *RTSI*. In its political and election-related primetime news coverage, *RTSI* devoted 26 per cent of the time to the government, 11 per cent to both the DS and the SNS, 8 per cent to the DSS, and 7 per cent to the SRS, with each of the other contestants receiving less coverage. This coverage was overwhelmingly positive or neutral in tone. Similarly to *RTSI*, other monitored television channels provided the biggest portion of their political and election-related news coverage to the state authorities. As for the coverage of contestants, private channels focused mainly on the two frontrunners, with the DS receiving slightly more coverage than the SNS.<sup>46</sup> The tone of their coverage was also largely positive or neutral.

A number of political parties questioned the independence and objectivity of the media. They also voiced concern that Mr. Tadić had derived extra media exposure in his capacity as president prior to his resignation. They felt that he, thereby, gained an advantage before the commencement of the official presidential campaign period. Additionally, on 27 April, Mr. Tadić took part in a programme on *Prva* TV that was nearly identical to a popular entertainment show. Following a reaction of the RBA,<sup>47</sup> *Prva* TV hosted Mr. Nikolić on 11 May, and Mr. Tadić in another programme on 12 May. These programmes were re-broadcast on 13 May and on the last day of the campaign, respectively.

Monitored newspapers also generally provided for a wide range of views to voters, but did not offer their readers an analysis of the electoral contestants' platforms that was any more comprehensive or critical than that by the broadcast media. Some of them provided more

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<sup>45</sup> The LEOM monitored political and electoral coverage from 6 April to 20 May during the prime-time period (18:00–24:00 hours) on public *RTSI* and *TV Vojvodina* and private television channels *PinkTV*, *B92*, and *Prva TV*, as well as in daily newspapers *Blic*, *Danas*, *Politika*, *Press*, and *Večernje Novosti*.

<sup>46</sup> *B92* dedicated 27, 18 and 16 per cent of coverage to the government, the DS and the SNS, respectively. *Pink* – 26, 16 and 12 per cent, and *RTVI* – 21, 12 and 11 per cent to the same actors, respectively.

<sup>47</sup> In a tardy response, the RBA stated on 10 May that due to time and title changes this did not constitute an entertainment program, implying that it did not violate campaign coverage regulations outlined in Articles 2 and 10 of the RBA Binding Instruction (Section I). At the same time, the RBA called on all broadcasters to provide balanced coverage of both candidates between the two rounds claiming that “the presence of only one candidate and without the possibility for the other one to be present in the same time slot and the same TV format” would be considered as disrespect of the equal coverage principle. See the RBA statement at <http://www.rra.org.rs/cirilica/article/Saoptenje-povodom-ponaanja-elektronskih-medija-od-momenta-raspisivanja-izbora>.

coverage to the DS over other parties, especially in the last two weeks of the campaign.<sup>48</sup>

#### D. MEDIA COVERAGE OF THE SECOND ROUND

In the period between rounds, the broadcast media continued to offer a diversity of views, thus giving voters the opportunity to make an informed choice. Similarly to the first round, however, the campaign coverage was characterized by the lack of analytical and critical reporting.

During the last week of the campaign, the two candidates took part in two prime-time talk shows on *RTS1*. In addition, *RTS1* also broadcast a televised debate between the two candidates which gave the voters a valuable opportunity to see these contestants discuss policy in an interactive format. Overall, the television offered a balanced coverage of both candidates. In its prime time news, *RTS1* devoted 24 and 23 per cent of the overwhelmingly positive or neutral political and election-related reporting to Mr. Nikolić and Mr. Tadić, respectively. Other monitored television channels adopted a similar approach.<sup>49</sup>

Monitored newspapers generally followed a similar trend, although some were clearly biased against Mr. Nikolić and openly supported Mr. Tadić. In particular, *Blic* devoted 19 per cent of its political coverage to Mr. Tadić (overwhelmingly positive or neutral in tone) and 20 per cent to Mr. Nikolić of which almost half was negative in tone.

### XI. COMPLAINTS AND APPEALS

The legal framework provides for a clear system of electoral dispute resolution. Procedural aspects are regulated by the Law on Administrative Procedure, while the Administrative Court adjudicates appeals based on the Law on Administrative Disputes. Certain violations of electoral rights are punishable under the Criminal Code.

Most complaints about alleged electoral violations can be filed with the REC by candidates, those registering candidate lists, and voters. REC decisions on complaints can be appealed to the Administrative Court, which was established in 2010 and took over this function from the Supreme Court. Electoral disputes may also be brought before the Constitutional Court when other legal remedies are depleted. The REC can annul the voting in a particular polling station, while the Constitutional Court can also invalidate the elections as a whole, if it finds irregularities that may have influenced the results.

A combination of factors diminished the effectiveness of the REC in providing legal redress and weakened its role in ensuring the integrity of the process. The law provides for an excessively short 24-hour deadline for filing complaints to the REC. The REC did not publish its decisions regarding complaints but only provided them to the complainant and to the submitters of electoral lists, despite the general requirement of the LER on the publicity of the work of election administration.<sup>50</sup> A wider distribution of the decision on complaints would have allowed voters to challenge decisions that may have affected their rights.

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<sup>48</sup> *Blic* devoted 29 per cent of its political coverage to the DS and 16 to the SNS; *Press* gave 28 and 12 per cent, and *Večernje Novosti* – 23 per cent and only 8 to the same actors, respectively. *Politika* and *Danas* were in general more balanced.

<sup>49</sup> *B92* provided 27 per cent to Mr. Tadić and 26 to Mr. Nikolić, while *Pink* – 22 and 21 per cent, *RTVI* – 19 and 21 per cent, and *Prva* – 28 and 29 per cent, respectively.

<sup>50</sup> See Article 32 of the LER.

In hearing complaints, the REC is also guided by its own Rules of Procedure. Article 23 of the REC Rules of Procedure specifies that if a decision on a complaint does not garner enough votes to be adopted, it is automatically dismissed. This appears to directly contradict the provision of Article 96 of the LER, according to which if no decision is made on a complaint by the REC within 48 hours it is to be considered automatically upheld. Furthermore, some complaints remained without remedy, as the REC argued that they fell under the competency of the supervisory board that was never established (See media section).<sup>51</sup>

During these elections, election-related appeals continued to be heard *in camera*. The Administrative Court maintained that this was necessitated by the short deadlines established by the LER and relied on its interpretation of the 2009 Law on Administrative Disputes.<sup>52</sup> The Administrative Court also argued that, if the sides were to participate, it would have been physically impossible for their 29 judges to review and decide on the over 450 appeals that the court received within the legal deadlines. It appears, therefore, that the right to receive effective judicial remedy was undermined by logistical difficulties. As previously noted by the OSCE/ODIHR, the lack of public and transparent hearing of appeals remains a concern and is not in line with the OSCE commitments, other international standards, and international good practice.<sup>53</sup>

The public prosecutor and police are responsible for investigating complaints alleging criminal acts related to elections. Police informed the OSCE/ODIHR LEOM that they did not take a proactive approach in checking information about possible violations and they only acted upon complaints with prosecutors taking the lead in investigations. The police informed the OSCE/ODIHR LEOM that they were investigating, in co-operation with the public prosecutor, four criminal cases of alleged violations of electoral rights.

#### A. PRE-ELECTION COMPLAINTS

In the pre-election period, the REC received 26 complaints related to the early presidential and parliamentary elections, of which 19 pertained to the formation of the PBs. The REC reviewed all complaints in public sessions and decided each case in open voting. Seventeen complaints were not heard because they were submitted late or by individuals not authorized to do so and seven were dismissed as unsubstantiated. There appeared to be some inconsistency in the REC's decisions on whether complaints were filed by authorized people or not.<sup>54</sup> All session materials were distributed to REC members only a few minutes before each session. This raised questions as to whether REC members had time to look into the details of all cases that they were deciding. In individual instances recesses were called by some members to study the documents.

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<sup>51</sup> REC decision 02 Number 013-583/12, dated 5 May, dismissed a complaint by the presidential candidate Muamer Zukorlić as “not permitted” citing that “... REC has no competence regarding complaints on irregularities in the public information sector, because this is the competence of the supervisory board...”

<sup>52</sup> Paragraph 1 of Article 33 of the Law on Administrative Disputes requires court proceeding to be public, while Paragraph 2 allows for *in camera* hearing of any case that “does not require direct hearing of parties and a separate establishment of facts, or if the parties have explicitly accepted to act in such a manner.”

<sup>53</sup> Paragraph 12 of the 1990 OSCE Copenhagen Document and Paragraph II 3.3.100 of the VC/CoE Code of Good Practice in Electoral Matters. p.32; Article 10 of the Universal Declaration of Human Rights; Article 14 of the International Covenant on Civil and Political Rights. See also Paragraph 76 of the Joint Opinion of the VC/CoE and OSCE/ODIHR on Draft Laws on Electoral Legislation of Serbia, <http://www.osce.org/odihr/elections/serbia/39946>.

<sup>54</sup> While on 24 April the REC upheld a complaint by a head of the DS faction in one of the local councils, it dismissed complaints from other such complainants deeming them as unauthorized to complain, according to Article 95 of the LER.

Six REC decisions made before the 6 May elections were appealed to the Administrative Court. Of these, the court upheld the REC decision in all but two cases: one concerned PB composition and the other challenged the registration of the NOPO list.<sup>55</sup>

## B. POST-ELECTION COMPLAINTS

Following the 6 May elections, the REC received 83 complaints related to election-day procedures and the composition of PBs. All complaints were heard and decided in open sessions with copies of complaints and draft decisions provided to everyone present. All complaints were dismissed by the REC, most on procedural grounds for being submitted late or by individuals not entitled by law to file complaints. Some of these alleged serious violations, including ones that could have potentially led to invalidation of results at polling stations concerned.<sup>56</sup> Some REC members proposed that these allegations be looked into by the REC on its own initiative, but this was voted down by majority of the REC members who cited a decision of the Supreme Court from 2007.<sup>57</sup>

After the 6 May elections, Mr. Nikolić submitted a complaint to the REC requesting invalidation of both national elections on the basis of an alleged disposal of some 3,000 cast ballots. He also filed criminal charges with the prosecutor general against unknown persons for election fraud. Meanwhile, the prosecutor's office stated that the bag with election materials was stolen after the counting of votes at a polling station in Pančevo and it could not have influenced the election results – this complaint was, thus, dismissed as unsubstantiated.<sup>58</sup> Additionally, a complaint by the SRS requesting annulment of the final results and an investigation into all irregularities was automatically rejected because it did not garner a majority of the REC members' votes. It appeared that instead of working to support the integrity of the process, REC members were divided along party lines in adjudicating complaints.

The REC received and decided on three complaints after the second round of the presidential election. All complaints were dismissed, one as not allowed and late, one as unsubstantiated and another one as submitted by an unauthorized person.<sup>59</sup>

## XII. DOMESTIC NON-PARTISAN OBSERVERS

Despite previous recommendations of the OSCE/ODIHR, the LER continues to lack provisions for international and domestic civil society observers.<sup>60</sup> Although the REC provided a detailed

<sup>55</sup> In the latter case, the REC re-checked the documents submitted by the party, as ordered by the court, and confirmed its decision. An appeal that further questioned the registration of this list in the Administrative Court was dismissed.

<sup>56</sup> For example some complaints alleged more ballots in the ballot box than the number of voters who voted, while others claimed that members of PB were relatives. In such cases the LER provides that the PBs "shall be dissolved" and "voting shall be repeated".

<sup>57</sup> A Supreme Court decision, dated 28 January 2007, maintains that the REC "is not authorized to annul elections in a polling station *ex officio*, without a complaint being lodged." The OSCE/ODIHR has recommended in 2008 that "possibilities for the REC to act on its own motion could be considered."

<sup>58</sup> According to a statement by the prosecutor, there were 2,109 ballots in the bag found in the dumpster and not 3,000 as claimed. Of these, 1,052 ballots were for the parliamentary and 1,057 for the presidential elections. According to the official results posted on the REC website, the SNS won in both national races in the polling station from where these ballots were allegedly stolen (PB 57 in Pančevo).

<sup>59</sup> In one instance a voter alleged inaccuracies in the UVR, in another – a voter complained about the PB not letting him make a remark in the protocol, in the third – the municipal board of the SNS alleged that an SNS-appointed PB member was prevented from participating in the work of the PB for some time on election day.

<sup>60</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document affirms that "presence of observers, both foreign and

regulation for accrediting observers in its instructions, these instructions are being adopted for each election separately and do not provide lasting legal grounds for observation.

The REC accredited 1,098 observers from 2 domestic organizations and 206 international observers for these elections. The largest domestic observation effort was carried out by the Centre for Free Elections and Democracy (CeSID) that deployed some 1,000 observers throughout the country on election day and also conducted a parallel vote tabulation.

### XIII. PARTICIPATION OF NATIONAL MINORITIES

According to the 2002 census,<sup>61</sup> some 17 per cent of Serbia's population identify themselves as non-Serbs and represent more than twenty national minorities, with the largest groups being Hungarians, Bosniaks, and Roma.<sup>62</sup> 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 and the right to elect and be elected.<sup>63</sup> Serbia has ratified the Council of Europe Framework Convention for Protection of National Minorities (in 2001) and the European Charter for Regional or Minority Languages (2006). Furthermore, Serbia signed bilateral agreements on minority protection with four neighbouring countries: Romania (2002), Hungary (2003), Croatia (2004), and the former Yugoslav Republic of Macedonia (2004).

Four minority parties (Alliance of Vojvodina Hungarians, the Party of Montenegrins, the Party for Democratic Action of Sandžak, and the Party None of the Above) as well as two minority coalition lists (Coalition of Albanians from Preševo Valley and Coalition All Together) were registered for the parliamentary elections. In addition, a few other minority parties representing Bosniaks, Bulgarians, Bunjevci, Croats, ethnic Macedonians, Roma, Slovaks, and Vlachs participated in the parliamentary elections within the major party coalitions. The 2012 parliamentary elections gave a total of ten seats in the National Assembly to five national minority parties;<sup>64</sup> one more seat was awarded to a Roma candidate from an SNS-led list.

Some OSCE/ODIHR LEOM interlocutors from Albanian and Hungarian communities raised concerns, that, contrary to the law, extracts of the UVR were not always printed in the official minority languages but only in the Serbian Cyrillic script, which could prevent some minority voters from casting their ballots.<sup>65</sup> The OSCE/ODIHR LEOM received a number of allegations from different parts of the country of undue influence on minority voters, mostly Roma, including vote-buying, pressure and intimidation. While these allegations could not be substantiated, the

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domestic, can enhance the electoral process for States in which elections are taking place.”

<sup>61</sup> The 2011 census data on ethnic breakdown is expected to be published later in 2012. It was noted by the RSO that most Albanians boycotted the census.

<sup>62</sup> Hungarians accounted for 3.91, Bosniaks – 1.81, Roma – 1.44, Croats – 0.94, Montenegrins – 0.92, Albanians – 0.82, Slovaks – 0.79, and Vlachs – 0.53 per cent of population. Additionally, 1.08 per cent of Serbia's population identified themselves as Yugoslavs. Romanians, ethnic Macedonians, Bulgarians, Bunjevci, Muslims, Ruthenians, Slovenians, Ukrainians, Goranians, Germans, Russians, and Czechs each accounted for less than 0.5 per cent, and 0.16 per cent are undeclared or undefined.

<sup>63</sup> This is in line with Paragraph 30 of the 1990 OSCE Copenhagen Document.

<sup>64</sup> The Alliance of Vojvodina Hungarians – five seats, the Party of Democratic Action of Sandžak – two, the Coalition of All Together, the Coalition of Albanians from Preševo Valley, and the NOPO – one each.

<sup>65</sup> The Coalition of Albanians from Preševo Valley claimed that due to poor transcription of Albanian names into the Serbian Cyrillic script, it had been very difficult to find names in the voter lists. Paragraph 32.5 of the 1990 OSCE Copenhagen Document states that “persons belonging to national minorities have the right {...} to disseminate, have access to and exchange information in their mother tongue”

OSCE/ODIHR observers assessed a number of them as credible. At the same time, various interlocutors expressed concern that Roma are frequently linked to vote-buying in the public discourse and are presented as the source of the problem.

#### **XIV. ELECTION DAYS**

As the OSCE/ODIHR had deployed a LEOM, it focused on the longer-term electoral process without the additional deployment of short-term observers that would have provided the basis for a quantitative assessment. Nevertheless, OSCE/ODIHR LEOM observers visited a limited number of polling stations on 6 and 20 May.

##### **A. VOTING AND COUNTING**

The atmosphere on both election days was calm and no serious incidents were reported.<sup>66</sup> Voting in the limited number of polling stations visited by OSCE/ODIHR LEOM observers proceeded in an orderly manner overall. Election commissions carried out their duties in an efficient manner, although some procedural problems were noted. During the first round, the small size of many visited polling stations, combined with a very high number of PB members, at times caused overcrowding, especially in the first half of the day. As only one election was conducted in most polling stations on 20 May, there were significantly fewer PB members and the process was managed more efficiently. During both election days, observers noted some instances of family voting, that the design of the voting screens did not ensure the secrecy of the vote, and that ballot boxes were occasionally poorly sealed. In some Preševo and Bujanovac polling stations, voters were not issued ballots to vote in the early presidential and parliamentary elections. In addition, in the same area, the OSCE/ODIHR LEOM received allegations that pressure was exerted on voters by some polling station members representing ethnic Albanian parties not to vote in the national races.

The vote count was carried out in a professional, transparent and orderly manner, with PB staff generally adhering to established procedures. During the second round, the vote count was quicker with the PB staff following procedures to an even greater degree.

##### **B. TABULATION AND ANNOUNCEMENT OF RESULTS**

During both rounds, the tabulation process was conducted in a professional manner overall, despite some problems experienced during the first round. Tabulation by the RSO was conducted in a professional and transparent manner, allowing the REC to start announcing preliminary results a few hours after the close of polls.

During the first round, some PB protocols were delivered to the municipalities for aggregation with significant delays and 10 of them were not delivered at all.<sup>67</sup> According to the law, the PB election materials were to be submitted to the REC by 14:00 on 7 May, which presented a very short deadline given the number of elections being held concurrently on 6 May. A number of OSCE/ODIHR LEOM interlocutors commented, however, that delays and various technical errors in the protocols could only be partly attributed to logistical challenges presented by this.

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<sup>66</sup> The police arrested several people in connection with alleged vote buying on 6 May but no one was prosecuted due to lack of evidence.

<sup>67</sup> The RSO could not process the data during the first round of presidential election for 4 PBs (No 7 in Pančevo, No 9, 12 and 37 in Preševo), and the data for the parliamentary elections for 6 PBs (No 32 in Pančevo, No 10 in Niš, No 4, 9, 12 and 31 in Preševo).

Another reason mentioned was that the training of the PB members was not sufficient or systematic. Resulting misplacement of some election materials and late delivery fuelled allegations by parties and could have potentially undermined voters' confidence in the election administration. Tabulation in the MECs visited by the observers was sometimes slow and continued into the morning.

The tabulation of the second round presidential election results was conducted without serious problems and all PB protocols were delivered to the REC in a timely manner. The REC, however, accepted three PB protocols with data that could not be reconciled.<sup>68</sup> Despite the fact that the number of excess ballots was too small to have an impact on the final results, this could have potentially undermined voters' confidence in the results and put in question REC willingness to deal with more serious problems. In a positive development, for the first time the REC published election results by polling station on its website after the elections. While this is in line with previous OSCE/ODIHR recommendations and constitutes an important safeguard in ensuring the confidence in the process,<sup>69</sup> a legal requirement for the REC to do so could further enhance existing trust.

## **XV. RECOMMENDATIONS**

The following recommendations are offered for consideration by the authorities, political parties and civil society of the Republic of Serbia in further support of their efforts to conduct elections fully in line with the OSCE commitments and other international standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities and civil society of the Republic of Serbia to further improve the electoral process.

### **PRIORITY RECOMMENDATIONS**

1. In line with previous OSCE/ODIHR recommendations, the legal framework for elections should be reviewed, consolidated, and harmonized, possibly by introducing a single comprehensive electoral code.
2. Following a comprehensive independent audit of the quality of the unified voter register, further efforts should be undertaken to enhance its accuracy and completeness, including by clearly delineating duties and responsibilities of bodies involved in data collection and review. Public confidence in the voter register could be strengthened by full transparency of its compilation.
3. Authorities could consider amending the law to provide for an intermediary level of electoral administration in order to institute a formal hierarchy of responsibility and reduce the logistical burden on the REC.

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<sup>68</sup> In these three PBs (No. 40 in Raška, No.16 in Varvarin, and No.16 in Stara Pazova) the numbers of ballots in the ballot boxes were higher by 2, 34 and 3, respectively, than the number of voters circled in the VR extract.

<sup>69</sup> Publication of election results at the polling-station level is an effective measure to ensure that results "are counted and reported honestly with the official results made public" as provided for by Paragraph 7.4 of the 1990 OSCE Copenhagen Document.

4. Resolution of electoral disputes should be transparent in all jurisdictions with the parties concerned able to attend the hearings and present their cases directly or through their legal representatives, as guaranteed by the law.
5. In line with the OSCE commitments, the law should provide for unhindered access of domestic and international non-partisan observers to all aspects of the electoral process and clearly define the criteria for their accreditation.
6. Deadlines for submission and resolution of electoral complaints could be extended to ensure a better balance between the effectiveness and timeliness of legal remedies.

#### **LEGAL FRAMEWORK**

7. Authorities could re-consider the application of the requirement for potential candidates to both collect a minimum of 10,000 supporting signatures and cover the administrative expenses for their verification, as this may unduly impede the right to stand.
8. Measures could be taken to ensure that privileges granted to electoral lists and political parties representing national minorities are not abused. Authorities could also consider extending the same privileges to groups of citizens representing a national minority.

#### **ELECTION ADMINISTRATION**

9. To ensure that public confidence is not only maintained but strengthened, measures should be taken to build capacity and institutional memory of election commissions at all levels. In particular, the REC could consider organizing periodic post-election review meetings of electoral officials from all levels to discuss best practice, conduct training and identify potential improvements to the electoral process.
10. Consideration could be given to adopting measures that would reduce the number of PB members while continuing to ensure multi-party representation to help avoid overcrowding in polling stations. In particular, consideration could be given to introducing legal provisions that would allow parties to field observers instead of multiple representatives in the PBs.
11. Transparency of the REC activities could be enhanced by timely publication of the agenda, complete minutes of meetings and all decisions on the REC website. The practice of publishing election results by polling station should be established in the law with the REC made responsible for it.
12. With a view to ensure that all voters have a possibility to make an informed choice, the REC should undertake voter education activities that would start sufficiently in advance of elections and be developed in all minority languages.
13. The maximum number of registered voters per polling station could be reduced to avoid overcrowding.

#### **ELECTION CAMPAIGN AND CAMPAIGN FINANCE**

14. In order to further enhance public confidence in the electoral process, relevant authorities should undertake greater initiative in properly investigating allegations of vote-buying,

intimidation of employees by various sides, and possible misuse of public resources.

15. Consideration could be given to amending the legal framework to clarify treatment of loans and evaluation of the value of non-monetary contributions, and to lowering the limits for private contributions to political parties.
16. Consideration could be given to shortening the deadlines for submission of parties' annual financial reports and ensuring their publication, including on the ACA website. Consideration could also be given to introducing mechanisms for public scrutiny of the accounts of electoral contestants during the election period and shortly after election day. To increase the effectiveness of control mechanisms, legislation could require the contestants and the ACA to report to the public within a reasonable time frame and establish deadlines for the ACA to disclose information it receives from the political parties.

#### **MEDIA**

17. Authorities could consider adopting legislation to support the principles of transparency of media ownership, including ensuring public access to information regarding the extent and nature of involvement of individuals and of legal entities in the ownership structures of the media, prevention of media monopolies, and neutral financial assistance of the state to the media, as also recommended by the CoE Committee of Ministers.
18. The RBA could take more pro-active approach to providing information to the public about its on-going work and actions taken in cases of potential breaches of legislation, while the warning it may issue should always be presented in a public and transparent way.

#### **COMPLAINTS AND APPEALS**

19. As the Supervisory Board has repeatedly not been established as required by the Law, consideration should be given to amending the law to clearly regulate the responsibilities of the REC and the RBA with regard to campaign-related violations and complaints during the election process.

#### **ELECTION DAY**

20. Measures could be taken to ensure that the size and layout of the polling stations can accommodate not only the voters but also the sizable PBs, and that they are accessible for elderly and disabled voters.
21. The layout of the polling stations and the quality of the voting screens could be improved to better preserve the secrecy of the vote.

## ANNEX 1: FINAL RESULTS OF THE PARLIAMENTARY ELECTIONS

Ordinal Number	Electoral List	Number of votes won	Number of mandates won	Percentage of votes won
1.	LET US MOVE SERBIA - TOMISLAV NIKOLIC (SERBIAN PROGRESSIVE PARTY, NEW SERBIA, ASSOCIATION OF SMALL AND MIDDLE SIZED ENTERPRISES OF SERBIA, COALLITION OF ASSOCIATION OF REFUGEES IN THE REPUBLIC OF SERBIA, SERBIA FORCES MOVEMENT- BK, PEOPLE'S FARMERS' PARTY, BOSNIAC PEOPLE'S PARTY, DEMOCRATIC PARTY OF MACEDONIANS, ROMA PARTY, MOVEMENT OF VLAC UNION, MOVEMENT OF SOCIALISTS, MOVEMENT FOR ECONOMIC REVIVAL OF SERBIA)	940,659	73	24.04
2.	CHOICE FOR BETTER LIFE – BORIS TADIC	863,294	67	22.06
3.	IVICA DACIC - "SOCIALIST PARTY OF SERBIA (SPS), PARTY OF UNITED PENSIONERS (PUPS), UNITED SERBIANS (JS)"	567,689	44	14.51
4.	DEMOCRATIC PARTY OF SERBIA - VOJISLAV KOSTUNICA	273,532	21	6.99
5.	CEDOMIR JOVANOVIC – TURNOVER: LIBERAL DEMOCRATIC PARTY, SERBINA RENEWAL MOVEMENT, SOCIAL DEMOCRATIC UNION, RICH SERBIA, VOJVODINA PARTY, DEMOCRATIC PARTY OF SANDZAK, GREEN ECOLOGICAL PARTY – THE GREEN, PARTY OF BULGARIANS OF SERBIA	255,546	19	6.53
6.	UNITED REGIONS OF SERBIA – MLADJAN DINKIC	215,666	16	5.51
7.	THE VOJVODINA HUNGARIANS ALLIANCE – ISTVAN PASTOR	68,323	5	1.75
8.	PARTY OF DEMOCRATIC ACTION – Ph.D. SULEJMAN UGLJANIN	27,708	2	0.71
9.	ALL TOGETHER: BDZ, GSM, DZH, DZVM, SLOVAC PARTY, EMIR ELFIC	24,993	1	0.64
10.	NONE OF THE ABOVE	22,905	1	0.59
11.	PRESEVO VALLEY ALBANIANS COALITION	13,384	1	0.34
12.	SERBIAN RADICAL PARTY - Ph.D. VOJISLAV SESELJ	180,558	0	4.61
13.	DVERI FOR THE LIFE OF SERBIA	169,590	0	4.33
14.	MOVEMENT OF FARMERS AND WORKERS	57,199	0	1.46
15.	COMMUNIST PARTY - JOSIP BROZ	28,977	0	0.74
16.	SOCIAL DEMOCRATIC ALLIANCE –NEBOJSA LEKOVIC	16,572	0	0.42
17.	REFORMIST PARTY – Ph.D. MILAN VISNJIC	8,867	0	0.23
18.	MONTENEGRIN PARTY - NENAD STEVOVIC	3,855	0	0.10

## ANNEX 2: FINAL RESULTS OF THE EARLY PRESIDENTIAL ELECTION

### 1<sup>ST</sup> Round: 6 May 2012

	Name and surname of the candidate	Submitter (political party, coalition, group of citizens)	Number of votes won by candidate	Percentage of votes won
1.	BORIS TADIC	Choice for Better Life	989,454	25.31
2.	TOMISLAV NIKOLIC	Serbian Progressive Party	979,216	25.05
3.	IVICA DACIC	Socialist Party of Serbia (SPS), Part of United Pensioners of Serbia (PUPS), United Serbia (JS)	556,013	14.23
4.	VOJISLAV KOSTUNICA	Democratic Party of Serbia	290,861	7.44
5.	ZORAN STANKOVIC	United Regions of Serbia	257,054	6.58
6.	CEDOMIR JOVANOVIC	Turnover – Liberal Democratic Party, Serbian Renewal Movement, Social Democratic Union, the Rich Serbia, the Vojvodina Party, Democratic Party of Sandžak, Green Ecological Party – the Green, Part of Bulgarians in Serbia	196,668	5.03
7.	JADRANKA SESELJ	Serbian Radical Party	147,793	3.78
8.	VLADAN GLISIC	Group of Citizens "Dveri"	108,303	2.77
9.	ISTVAN PASTOR - ISTVAN PASZTOR	Alliance of the Vojvodina Hungarians	63,420	1.62
10.	ZORAN DRAGISIC	Group of citizens Movement of Workers and Farmers	60,116	1.54
11.	MUAMER ZUKORLIC	Group of citizens	54,492	1.39
12.	DANICA GRUJICIC	Social Democratic Alliance	30,602	0.78

### 2<sup>ND</sup> Round: 20 May 2012

	Name and surname of the candidate	Submitter (political party, coalition, group of citizens)	Number of votes won by candidate	Percentage of votes won
1.	BORIS TADIC	Choice for Better Life	1,481,952	47.31
2.	TOMISLAV NIKOLIC	Serbian Progressive Party	1,552,063	49.54

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the 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.

The OSCE/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 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates 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 standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/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. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/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 persons, 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**, the OSCE/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. The OSCE/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.

The OSCE/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 ([www.osce.org/odihr](http://www.osce.org/odihr)).