



Office for Democratic Institutions and Human Rights

**REPUBLIC OF SERBIA
(SERBIA AND MONTENEGRO)**

**PRESIDENTIAL ELECTION
13 June 2004**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION
REPORT**

29-30 April 2004



**Warsaw
11 May 2004**

TABLE OF CONTENTS

I. INTRODUCTION	1
II. EXECUTIVE SUMMARY	1
III. FINDINGS	2
A. POLITICAL CONTEXT	2
B. LEGAL FRAMEWORK	3
C. ELECTION ADMINISTRATION	4
D. MEDIA	5
E. INTERNATIONAL AND DOMESTIC OBSERVERS	5
IV. CONCLUSIONS AND RECOMMENDATIONS	5
ANNEX -LIST OF MEETINGS	7
ABOUT THE OSCE/ODIHR	8

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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Speaker of Parliament of the Republic of Serbia to observe the presidential election scheduled for 13 June 2004, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Serbia (Serbia and Montenegro) between 29 and 30 April 2004. The NAM was headed by Nikolai Vulchanov, OSCE/ODIHR Deputy Head of Election Section, who was accompanied by Konrad Olszewski, OSCE/ODIHR Election Advisor.

The purpose of the NAM was to assess the conditions and level of preparation for the presidential election, in line with OSCE commitments, and to advise on the establishment of an Election Observation Mission (EOM).

The NAM held meetings in Belgrade with representatives of the authorities, election administration, political parties and international community (see annex for list of meetings). The OSCE/ODIHR is grateful to the OSCE Mission to Serbia and Montenegro and the Serbian authorities for the support provided during the NAM.

II. EXECUTIVE SUMMARY

The Republic of Serbia has been without an elected President since the end of 2002. All attempts to elect a president in 2002 and 2003 failed due to insufficient voter turnout, below the 50 per cent required for valid elections, and inadequate legislative provisions allowing for a cycle of failed elections.

The National Assembly of the Republic of Serbia adopted significant amendments to the election legislation, including abolishing the 50 per cent voter turnout requirement, to address the above mentioned deficiency. While this new provision should ensure for a successful election of a president, it appears that citizens may not be fully aware of its significance. On 4 April, the Speaker of Parliament called new presidential elections for 13 June 2004.

Following recent legislative changes, citizens of Serbia and Montenegro with registered permanent residence in Serbia who temporarily reside abroad, as well as those in detention centers, in hospitals or homebound, will be able to vote. However, the short period between the adoption of the recent changes and calling of the new presidential elections may have left insufficient time for preparation of all technical

aspects required for the new voting provisions, and in particular to ensure the integrity of out-of-country voting.

A wide range of electronic and print media operate in Serbia. The performance of media in the context of election campaigns was assessed overall positively by previous election observation missions. However, interlocutors fear that the registration as candidate in the presidential race of an owner of a major TV broadcaster and other media outlets, Bogoljub Karic, may have an overall impact on the media coverage and distort balanced reporting during the campaign.

Some 15 candidates are expected to contest the presidential election on 13 June. However, interlocutors in Serbia widely expect that there is a high possibility for a second round. All candidates or candidate representatives met during the NAM expressed confidence in election day procedures. However, they also indicated concerns regarding balanced coverage of the campaign in the media and the conduct of out-of-country voting.

Previous OSCE/ODIHR election observation missions reported that the conduct of elections in Serbia was overall in line with OSCE commitments and other international standards for democratic elections. Nonetheless, the NAM recommends that an Election Observation Mission (EOM) be established to observe the forthcoming presidential elections in Serbia. The mission should be composed by a core team of experts and 12 long-term observers. Given the overall confidence in election-day proceedings, secondment of short-term observers is not recommended.

III. FINDINGS

A. POLITICAL CONTEXT

The Republic of Serbia has been without an elected President since the end of 2002. Several attempts to elect a president in 2002 and 2003 failed due to insufficient voter turnout, below the 50 per cent required for valid elections, and inadequate legislative provisions allowing for a cycle of failed elections. The low voter turnout resulted from non-participation of major political parties. This was a consequence of a long lasting political impasse between former Democratic Opposition of Serbia (DOS) members DS and DSS and it narrowed voters' choices. In the absence of an elected President, the duty of acting President has been performed by the Speakers of previous and present National Assemblies. The presidential election was called again for 13 June 2004, with a possible second round to be held not later than 28 June.

Since the collapse of the Milosevic regime in 2000, politics in Serbia were overshadowed by conflict between two main parties of the former anti-Milosevic coalition "DOS", the DS of the late Serbian Prime Minister Zoran Djindjic, and the DSS of former Yugoslav President Vojislav Kostunica. After the last parliamentary elections in December 2003, the DS lost the government and a new ruling coalition was established with Vojislav Kostunica as Prime Minister.

As a result of difficult political and economic reforms in Serbia, and public confusion caused by heated disputes between the DS and DSS, the popularity of the SRS of Vojislav Seselj was continuously increasing. The SRS won the highest number of votes in the parliamentary elections of December 2003, and its presidential candidate Tomislav Nikolic is leading the opinion polls. Although some 15 candidates are expected to run in the forthcoming election, according to interlocutors the most significant contenders will be Tomislav Nikolic (SRS), Borislav Tadic (DS) and Dragan Marsicianin (DSS).

The OSCE/ODIHR observed most of the electoral events in Serbia since the democratic transition in 2000. In general, the OSCE/ODIHR election observation missions assessed that the conduct of elections was overall in line with the OSCE commitments and other international standards for democratic elections. The OSCE/ODIHR noted significant progress in transparency and accountability of the election administration, generally balanced media coverage of the campaign, and good standards of polling and counting procedures on election day.

B. LEGAL FRAMEWORK

The Constitution of Serbia, adopted on 28 March 1990, establishes an office of the President elected by direct election for a five-year term. Presidential elections are regulated by the Law on Electing of the President. However, the technical aspects of the electoral process, including voting and the count, are governed by the parliamentary election law. In addition, the laws are supplemented by numerous instructions and decisions issued by the Republican Election Commission.

Following the previous OSCE/ODIHR recommendations, before the presidential elections were called, the National Assembly of Serbia adopted significant amendments to the elections legislation, including:

- Abolishing the 50 per cent voter turnout requirement for valid presidential elections. The turnout requirement led previously to a cycle of failed elections. New provisions will finally provide for election of a president in June 2004.
- Changing suffrage requirements to allow citizens of Serbia and Montenegro with registered permanent residence in Serbia who temporarily reside abroad, as well as those in detention centers or in hospitals, to vote. Moreover, mobile balloting provisions have been restored in the election legislation to allow sick and elderly voters to cast their ballot at home.

While the removal of the 50 percent voter turnout requirement should ensure for a successful election of a president, according to interlocutors citizens may not be fully aware of its significance.

Although a positive development, the short period between adoption of the recent changes and calling of the new presidential election may have left insufficient time for preparation of all technical aspects required for the new voting provisions. According to interlocutors, problems may be expected in relation to voting abroad, which is expected to take place in a number of diplomatic and consular representations of

Serbia and Montenegro, but also at other locations, e.g. diaspora clubs. Moreover, it is difficult to provide an accurate estimate for the number of out-of-country voters as it may range from a few thousands to hundreds of thousands. Thus, the integrity of out-of-country voting appears to be one of the main concerns of election contestants.

Despite the recent efforts to enfranchise the Serb community residing abroad and homebound voters, no provisions were enacted for voting of citizens of Serbia and Montenegro with registered permanent residence in Serbia and temporarily residing in Montenegro, including those serving in the army on the territory of the Republic of Montenegro.

A number of previous OSCE/ODIHR recommendations still remain to be addressed, including to:

- Revise the entire process for the nomination and registration of presidential candidates to ensure that the process is practical, enforceable and allows for transparent verification of signatures;
- Clarify that a winning candidate should require the majority of valid votes cast, disregarding invalid ballots;
- Amend the legislation in order to clarify the rights of extended members of election administration bodies. In particular, it should be made clear whether the extended composition continues throughout a possible second round of the presidential election;
- Ensure co-ordinated long-term efforts to improve the process of compiling voter registers, including enacting provisions describing responsibility and authority for the maintenance of a single, centrally managed, voter database; and
- Guarantee the rights of domestic and international non-partisan observers in the law, with criteria for their accreditation stipulated clearly.

C. ELECTION ADMINISTRATION

The presidential election is administered by a three-tier system: the Republican Election Commission (REC), Municipal Election Commissions (MEC) and Polling Boards (PBs). Main political parties are represented at all levels of election administration. This contributes to enhanced transparency of the election process and increases confidence in the work of election administration. Moreover, all registered presidential candidates have a right to appoint their representatives to “extended” composition of election administration at all levels from the REC to Polling Boards.

The composition of REC was changed after the last parliamentary elections to reflect the new composition of the National Assembly. During the last elections observed by OSCE/ODIHR, the election administration bodies have been performing their tasks in a generally constructive and professional way. The conduct of voting in vast majority of polling stations visited by international observers was assessed as good or excellent while “poor” voting standards were reported from around 1 per cent of polling stations visited.

In general, parties and officials met during the Need Assessment Mission demonstrated confidence in the election administration bodies and no one expressed concerns related to the integrity of balloting at the polling station level.

The REC expects “organizational” difficulties in conducting elections abroad, resulting *inter alia* from limited financial resources available for this operation. Furthermore, technical problems are also expected in organizing the election in Kosovo, which is under transitional UN administration. For the last elections, the Kosovo voter registers were compiled by Serb institutions that continue to cover Serb localities outside of UN structures. During the NAM, the National Assembly adopted new legislation establishing five regions in the Kosovo territory. The possible impact of this reform on the forthcoming elections is yet to be assessed.

D. MEDIA

A wide range of electronic and print media operate in Serbia, including a number of state-wide television broadcasters and newspapers, and plenty of radio channels and local newspapers. Usually, the Serbian media provide an extensive coverage of election campaigns and offer voters a diverse variety of information and political opinions. Furthermore, state-owned TV grants all election contestants free time for campaigning.

Although during the last elections the media performed their tasks in a generally professional way, interlocutors expressed serious concerns that this may not be the case in the forthcoming campaign. A number of interlocutors fear that the participation in elections of an owner of one of the main TV broadcasters and other media outlets, Bogoljub Karic, a registered candidate in the presidential race, may upset the balance of media coverage of the campaign and influence the freedom and professionalism of journalists in some media. Such concerns were strengthened by the allegation, that the Broadcasting Council established to control the conduct of the media, was not functioning.

E. INTERNATIONAL AND DOMESTIC OBSERVERS

Most of the NAM interlocutors welcomed the presence of an OSCE/ODIHR election observation mission for the presidential elections on 13 June. However, while many interlocutors underlined their confidence in election day procedures, they did express the need to focus on the media monitoring of election campaign.

Despite the initial rejection of accreditation on procedural grounds of the main domestic non-partisan election observation organization, the Belgrade based Center for Free Elections and Democracy (CeSID), the Republic Election Commission registered CeSID to observe the forthcoming elections. It is expected that CeSID will deploy observers to a majority of polling stations during the forthcoming election.

IV. CONCLUSIONS AND RECOMMENDATIONS

The NAM recommends that an Election Observation Mission (EOM) be established to observe the forthcoming presidential elections in Serbia. In addition to a core team

of experts, the mission should also include 12 long-term observers (six teams of two observers each to be deployed throughout Serbia). Media monitoring activities should be one of the main focuses of the EOM. Given the overall confidence expressed in election-day proceedings, secondment of short-term observers to follow election day procedures is considered unnecessary at this time.

**ANNEX - LIST OF MEETINGS
Belgrade, 29-30 April 2004**

SERBIAN AUTHORITIES

Mr. Predrag Markovic, Speaker of the Serbian Parliament, Acting President of Serbia

Mr. Danko Prokic, Head of the OSCE/CoE Department

REPUBLIC ELECTION COMMISSION

Mr. Zoran Perovic, President of the Republican Election Commission

POLITICAL PARTIES

Mr. Ivica Dacic, SPS Presidential Candidate

Mr. Dragan Marsicanin, DSS/Government Coalition Presidential Candidate

Mr. Tomislav Nikolic, SRS Presidential Candidate

Mr. Dusan Spasojevic, Foreign Policy Advisor of the DS

Mr. Marko Djurisic, President of the DS Executive Board

CIVIL SOCIETY ORGANIZATIONS:

Mr. Srdjan Bogosavljevic, Strategic Marketing Agency

Mr. Srbobran Brankovic, Medium Index – Gallup

Mr. Zoran Lucic and Mr Marko Blagojevic, Center for Free Elections and Democracy

INTERNATIONAL COMMUNITY

Ambassador Barend van der Heijden, The Netherlands Embassy

Mr. Roderick W. Moore, DCM, US Embassy

Mr. Yani Milchakov, Bulgarian Embassy

OSCE Mission to Serbia and Montenegro:

Ambassador Maurizio Massari, Head of Mission

Mr. Mark Davison, Deputy Head of Mission

Mr. Mathias Eick, Spokesperson

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (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 Document).

The 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 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of several observation missions with thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, and trafficking in human beings. The ODIHR implements more than 100 targeted assistance programmes every year, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR promotes the protection of **human rights** through technical assistance projects and training on human dimension issues. It conducts research and prepares reports on different human rights topics. In addition, the Office organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States. In its anti-terrorism activities, the ODIHR works to build awareness of human dimension issues and carries out projects which fundamentally address factors engendering terrorism.

The 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. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

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

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