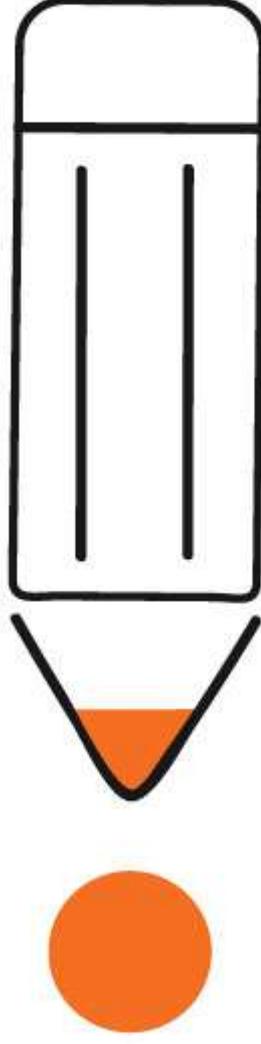


CRTA:



# **ELECTIONS 2020**

**Long term observation report**

**Report for the period May 25th-June 14th 2020**

## **MAIN FINDINGS OF THE CRTA OBSERVATION MISSION REPORT**

### **May 25<sup>th</sup> to June 14<sup>th</sup>, 2020**

The second preliminary report of the CRTA observation mission refers to the period from May 25<sup>th</sup> to June 14<sup>th</sup>, before the proclamation of the election silence in the eve of the general and local elections scheduled for June 21<sup>st</sup>, 2020. During this period, different activities of the institutions in charge of conducting the elections was noted. The work of the Republic Election Commission underwent in accordance with the competencies and the existing legal framework, with increased educational and informative activity in comparison to previous years. The process of nominating the electoral lists was marked by doubts of the participants in the elections regarding the legality of the process of collecting voter supporting signatures. Preliminary data on the number of voters registered in the Voters' Register indicate that there has been the largest decrease in the last few decades. The non-transparency of these processes can encourage citizens' distrust in the competitive nature of elections, as well as in the final assessment of turnout on the Election Day. Unlike the Regulatory Authority of Electronic Media, which in this period did not initiate proceedings upon complaints, the Anti-Corruption Agency initiated proceedings in several cases, and in several cases issued remonstrance and published recommendations for dismissal, i.e. initiated misdemeanour proceedings. The campaign of participants in the field intensified in comparison to the first two weeks after the lifting of the state of emergency, with a more pronounced public officials' campaigning, long-established clientelistic practices, but also new models of influencing voters, especially through a direct contact with citizens by phone, and potential abuses of public resources. Media monitoring shows a continuing trend of increasing the share of opposition lists participating in the elections, and the marginalisation of political actors advocating a boycott of the elections, who are also presented mainly negatively. The share of representatives of the ruling parties in the total media coverage is decreasing, but unlike the opposition actors, they are dominant in the programmes outside the formal election segment. Finally, the trend of more pronounced activity of opposition actors on social networks continued, with a slightly increased activity and a reach of the profile of the ruling parties compared to the previous monitoring period.

#### **THE WORK OF THE ELECTION ADMINISTRATION**

In the period from May 25<sup>th</sup> to June 14<sup>th</sup>, 2020, 13 sessions of the Republic Electoral Commission (REC) were held, during which 11 electoral lists were proclaimed, so a total of 21 electoral lists participating in the elections for members of the parliament will appear on the ballot. The CRTA observation mission considers that the REC made decisions in accordance with its competencies and the existing legal framework during the reporting period, with several decisions that may be considered disputable: rejection of the proposal to extend the agenda of the REC session by adding a point within which the dismissal of members of the expanded composition of the REC who were determined to be candidates in local elections would be considered, as well as rejection of the request for granting the position of national minority party to the Russian Party. Moreover, the REC at first refused to proclaim the list "Leviathan Movement - I live for Serbia", and then, at the next session, adopted the objection of voters by which the Decision on rejection was put out of force, and the said list proclaimed. The characteristic of deciding on the list "Leviathan Movement - I live for Serbia" is that the REC initially made a decision to reject the list due to insufficient number of members who voted "in favour", despite the fact that the expert service found that all formal conditions to proclaim the list had been met.

In comparison to previous election cycles, significant improvements have also been made in relation to educational materials prepared by the REC on voter rights, as well as guides for polling station members and other actors in the election process. Furthermore, the REC determined the number of voters with the right to vote in the elections for members of the parliament (6,583,665 voters) as well as the total number of polling stations (8,253). The work of the REC was in this period marked by the rejection of approximately 2,050 identical objections to the Decision on the

continuation of the election activities from May 11<sup>th</sup>, which were submitted untimely by voters using a standard document published on the social network Facebook.

The REC noted that the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR), as well as the European Network of Election Monitoring Organisations (ENEMO) had met all the necessary formal requirements to obtain foreign observer status to monitor the work of the REC and polling stations.

### **LIST CANDIDACIES AND VOTERS' REGISTER**

The period of collecting signatures of voter support by various political entities after the state of emergency was marked by doubts of the participants in the election process regarding the legality of the conducted procedure. As unverified information emerged that voters' personal data had been misused, the CRTA observation mission sent a request to the Republic Election Commission (REC) to clarify how voters could check whether they had formally supported any of the lists that had submitted signatures for the election of the members of the Parliament. Regarding the CRTA's inquiry on the right of voters to check whether their signatures are supporting a particular electoral list, the REC responded within a reasonable period of 7 days with confirmation that voters can contact the REC with a request, stating personal data for identification purposes, while the request can also be sent by email as a scanned document. In individual cases where voters sent requests to the REC and notify the CRTA, the REC responded to the applicants within a reasonable time.

Preliminary published data on the number of registered voters in the Voters' Register showed a difference of 141,284 or 2.1% fewer voters compared to the last elections held in 2017. In addition to the fact that this is the largest recorded decrease in the number of voters since the existence of the Voters' Register, this change, together with the analysis of the number of voters by municipalities conducted by the CRTA since mid-2019, imposes several other conclusions. First of all, the reduction cannot be explained only in a natural way, but it is necessary to gain insight into the work of state bodies and mechanisms to determine whether regular or extraordinary procedures, which could jeopardise the rights of voters and the integrity of the election process, have led to change. On the other hand, the CRTA analysis shows that the reduction of voters was evenly distributed among the municipalities, with the exception of Medveđa, where a reduction of 40% was recorded. Further analysis of the movement of the number of voters by polling stations will be possible only after the announcement of the final number of voters. Bearing in mind the pre-election silence, it will be communicated only after the elections, on June 21<sup>st</sup>.

### **ACTIONS UNDERTAKEN BY THE ANTI-CORRUPTION AGENCY**

During this reporting period, the CRTA monitoring mission submitted a total of 15<sup>1</sup> complaints to the Anti-Corruption Agency (the Agency), regarding 14 situations in which public resources were misused by public officials and 12 situations in which public resources were misused by political parties. Out of the 14 reported situations in which violations were committed by public officials (the Anti-Corruption Agency Act), the Agency decided in five that there were no grounds to initiate proceedings to decide on the existence of a violation of the law. The Agency passed on a decision on one complaint imposing a measure of public announcement of the recommendation for dismissal of Đorđe Milanović, director of the Public Enterprise "Vodovod" (Waterworks), Valjevo and candidate of the Socialist Party of Serbia and the United Serbia coalition at the local elections in Valjevo. It is the only case in the course of the campaign so far where the Agency has published an announcement on its website stating that measures were imposed against some public officials. As for the remaining eight violations, until the day of publishing the report, CRTA has not been informed about the outcome of the procedure. Given that the Agency has no obligation to publish decisions in this

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<sup>1</sup> You can see CRTA's complaints here: <https://crt.rs/crtine-prijave>

area, nor is there a deadline within which the Agency is obliged to inform the complainant, there is a possibility that another decision has been made.

Out of 12 initiated proceedings based on violations committed by a party (Law on Financing of Political Activities), the Agency found in six cases that there were no grounds for deciding on the existence of a violation, while in two cases it found a violation of the law. Despite the timely decision-making on complaints and their publishing certain inconsistencies were recognised in the actions of the Agency, as well as controversial interpretations of legal provisions that were applied when deciding on individual applications. In two situations, in which it determined that there was a violation of the law, the Agency issued a remonstrance to the Serbian Progressive Party and submitted a request to initiate misdemeanour proceedings against the Socialist Party of Serbia. Considering that the CRTA reports referred to videos that both parties recorded in the premises of public institutions, which led to the misuse of public resources, the Agency showed inconsistency in decision-making and imposition of measures. Also, the reason why the Agency needed more than six months to decide on the report on the public officials' campaigning and misuse of public resources that the CRTA filed against Prime Minister Ana Brnabić in December 2019, which was rejected as unfounded, remains unknown. The CRTA received in June 2020 the notification on the outcome of this procedure.

## ACTIONS UNDERTAKEN BY THE REGULATORY AUTHORITY OF ELECTRONIC MEDIA

In this reporting period, the CRTA observation mission submitted five complaints to the REM. Two complaints were submitted for the use of names, logos and activities, i.e. the use of the reputation of public companies and institutions in political advertisements that were broadcast in the programmes of a number of media service providers.

One of the complaints was filed against TV Pink, which broadcasts “rented TV time” in periods longer than the ones put at the disposal to commercial media broadcasters for advertising within an hour. Our election observation mission believes that allowing political entities to broadcast their propaganda programme in half-hour terms further affects the inequality of election participants. The “renting” of terms is by the nature of things possible only for economically stronger participants in the campaign, which the legislators had in mind when they limited the time allotted for advertising on the basis of paid terms in the election campaign.

Furthermore, two complaints were filed against TV B92 for broadcasting programmes in which officials (Aleksandar Vulin in the show Vesti, and Ana Brnabić, Siniša Mali and Milan Krkobabić in the show Fokus) were allowed to promote the party in the part of the news programme that does not relate to election activities reporting.

Seven complaints submitted by the CRTA in the previous reporting period were sent by REM to broadcasters for comment, but the procedure for deciding on the imposition of measures has not yet been initiated.

During this reporting period, the REM adopted two more reports on the oversight of broadcasters during the election campaign. As media service providers intensified the broadcasting of political advertising messages during this period, the REM’s activities were mainly related to issuing opinions about published election videos.

Acting on the request for an opinion requested by the CRTA observation mission on the actors who are allowed to advertise politically during campaigning, under current regulations, and on the occasion of broadcasting videos by an unknown advertiser calling on voters to boycott, the REM ordered that these videos be suspended, but it did not fully answer the questions posed by our observation mission. The REM also ordered the suspension of broadcasting of a video in which the President of the Republic of Serbia, Aleksandar Vučić, talks to an underage girl. In this case, the REM acted upon the request for issuing an opinion on whether the contents of this video were in line with the Rulebook on the protection of the rights of minors in the field of media services, which was sent by TV N1. Although it is often said in public that a certain video was “banned” by REM, it is necessary to mention that the REM does not have the authority to ban, but only to sanction media service providers who violate the ban already established by the law or relevant by-laws.

The controversial behaviour of the REM in this period is reflected in the exemption from deciding to suspend the broadcasting of a video in which there was a violation of the law according to another institution - the Anti-Corruption Agency. The CRTA observation mission requested another opinion from the REM, on the compliance of the contents of two advertising videos of the list “Aleksandar Vučić - For our children” with the provisions of the Law on Advertising. The disputed advertisements show employees of a public company, i.e. public institution, promoting this electoral list at their workplace, wearing official uniforms. Although the Anti-Corruption Agency established earlier during the campaign that the Serbian Progressive Party had acted contrary to the Law on Financing Political Activities by recording an advertising video for the needs of its promotion in the election campaign, in which professor Teodora Beljić Živković, PhD, gave a statement wearing an official medical uniform with the mark of a health institution<sup>2</sup>, the REM did not recognise that the principles of legality and use of permitted means in advertising were violated by broadcasting this

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<sup>2</sup> Rešenje ACAS: <https://bit.ly/3e8Ojlk>

video in the programmes of media service providers. In that way, the REM contributed to the fact that the decision of the Agency, in the end, did not result in suspension, but in the continuation of the started promotion.

### THE COURSE OF CAMPAIGNING

As the campaign drew to a close, election actors became many times more active in communicating directly with voters than during the resumption of the campaign after the state of emergency was lifted. The CRTA long-term observers, deployed in 1,051 places with more than 1,000 inhabitants, recorded over 3,000 findings on the activities of political actors throughout Serbia and potential irregularities in the election campaign.

The ruling majority parties communicated with voters almost twice as much as the opposition, both running and boycotting the elections. While in the messages it was sending to voters the ruling majority attributed most of the credit to the party, the opposition participating in the elections was making promises, and the opposition in the boycott was calling for a boycott. In addition to party promotion, the regime used the opportunity to talk mostly about infrastructure projects, and the opposition tackled communal topics. The opposition in the boycott mainly pointed to election conditions. The topic of coronaviruses was present but not predominant in activities related to direct communication with voters. The situation with the coronavirus pandemic certainly marked this campaign, and, as in the continuation of the campaign after the state of emergency, in this observed period, the main channels of communication of all election actors were stands and press releases, while small-scale pre-election rallies were only sporadically organised.

During this reporting period, the election headquarters of the Serbian Progressive Party continued with a push poll technique throughout Serbia. The operators first asked citizens to comment on the state of emergency and the government actions in the fight against the coronavirus and then on their readiness to support the party on the Election Day. During this period, another form of mass contact of citizens throughout Serbia was recorded. At the end of May, a question was raised about the possible misuse of personal data of beneficiaries of old-age, disability and family pensions in the Republic of Serbia (among whom there are also minors), given that letters with Serbian Progressive Party markings and the election slogan "For our children" arrived at their home addresses, signed by the President of the Republic of Serbia, Aleksandar Vučić. Simultaneously, the sentence "We provided 4000 dinars of one-time assistance and another 100 euros for each of you, as a result of diligent and successful work of our country, but also as a token of appreciation for all of you who have done so much for our Serbia." These can be interpreted as an abuse of public resources, since the Government's measures were used to promote the Serbian Progressive Party. However, the current practice of the Anti-Corruption Agency in proceedings in which it is being determined whether a public official or political party misused public resources in the campaign, showed that the Agency only in rare cases makes a decision establishing that public resources have actually been misused.

As the campaign came to its end, in the last 21 days, the CRTA observation mission recorded nearly 200 occurrences in the entire country where parties and their activists were engaged in conducting various humanitarian activities and performing public works of various scales. These activities do not represent the purpose of founding and operating a political party, they are treated as clientelistic and contribute to blurring of the line between a political party and the state. More than 50% of the recorded situations in this period refer to various public works - from servicing green areas and playgrounds, to arranging the space of local communities, houses of culture, paving bridges, embanking the roads – were organised by a political party or a party participated in them. The trend of these activities is increasing, and it was first recorded after the state of emergency.

Between May 25<sup>th</sup> and June 14<sup>th</sup>, the CRTA observers noted almost 800 events across Serbia in which officials from various levels of government appeared in public. The officials' activities increased more than three times in comparison to the first two weeks of the election campaign after the state of emergency. In relation to the 12 days of the campaign

before the state of emergency, officials were five times more active. In other words, out of the total number of situations in which public officials appeared, our observers noted more than a half at the end of the election campaign (Chart 1).

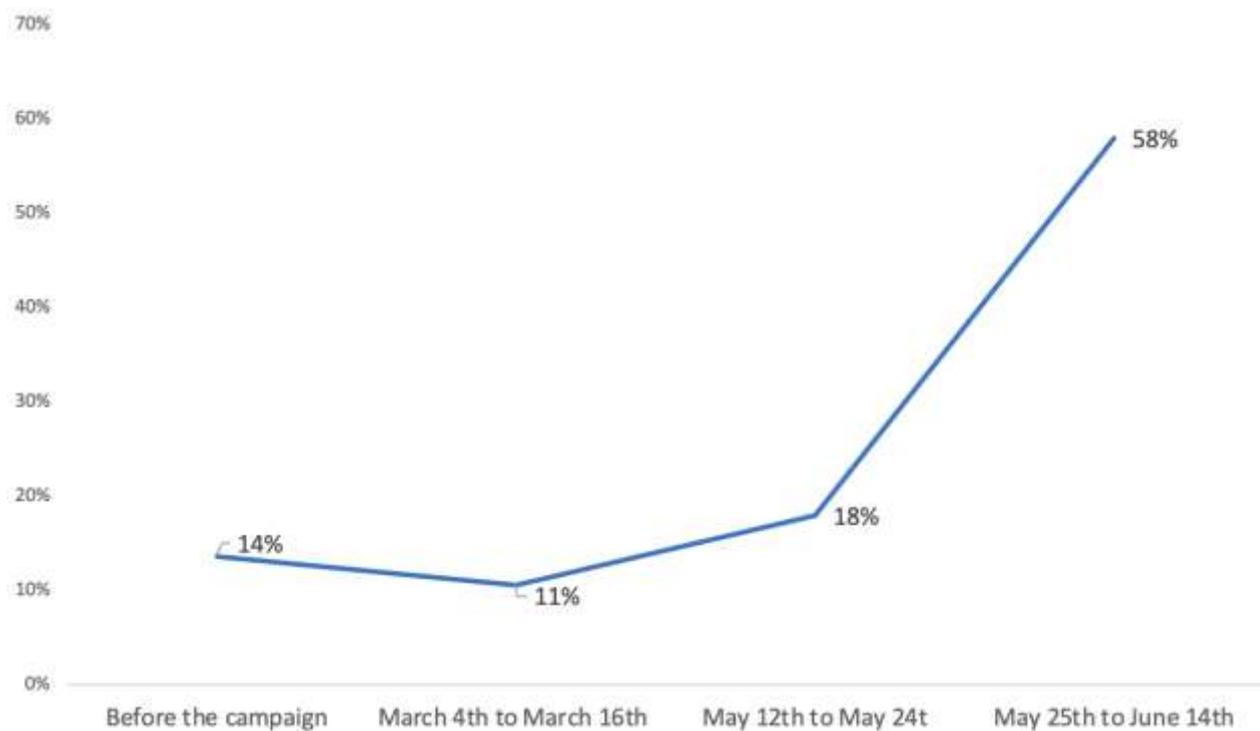


Chart 1: The CRTA observers recorded nearly two thirds of the total number of cases of officials in the campaign, at the very end of the campaign from May 25<sup>th</sup> to June 14<sup>th</sup>, 2020.

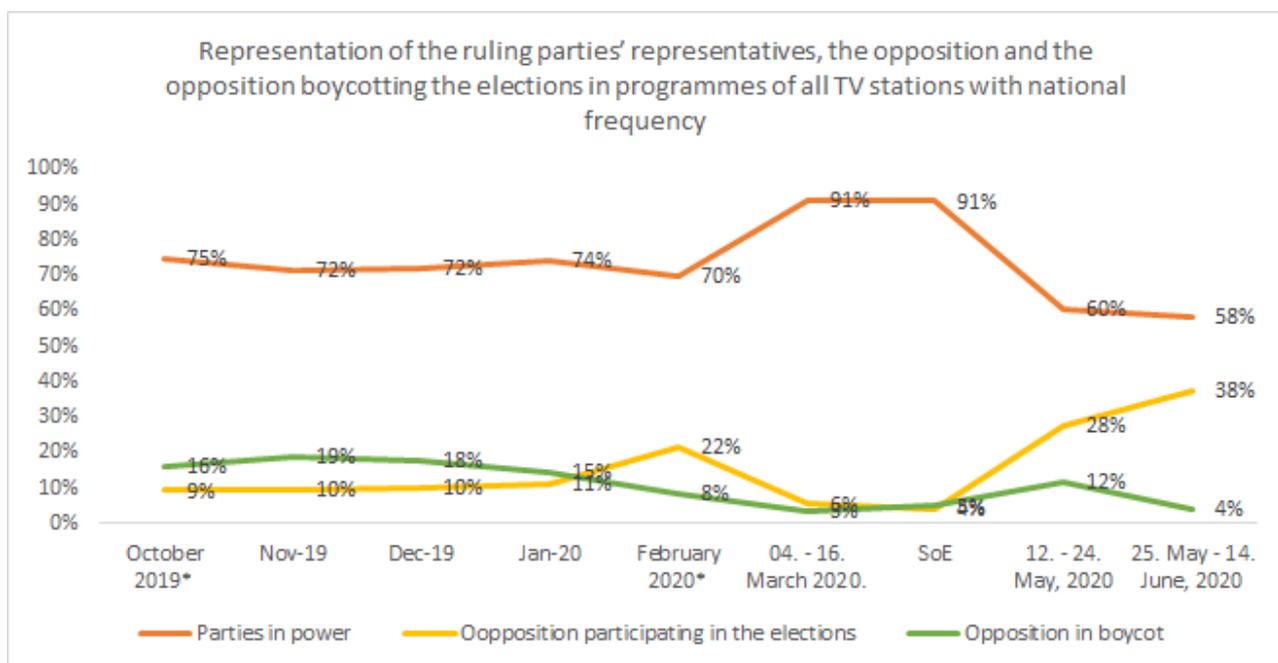
While this increase can be partly attributed to the more dynamic campaign of election lists throughout Serbia at the end of the election campaign and the participation of public authorities in their party capacities in the election activities of their lists, the fact that in 64% of recorded activities officials appeared in public exclusively in capacity its public functions is particularly worrisome. In 18% of cases, they were represented both as party members and as public authorities. In the remaining 18% of cases, officials appeared in public only as representatives of the political party, i.e. of the electoral list that they belong to. In 50% of the recorded activities, officials visited or opened works or spoke at public events of institutions. As public officials, Ministers and the Prime Minister appeared in the campaign throughout Serbia more than 100 times. They visited more than 70 places in Serbia in this reporting period. The highest number of visits was paid to Čačak (9), Sombor (6), Bor (6), Novi Pazar (4) and Bačka Palanka (4).

Allegations of pressure on voters were also recorded during this period, but to a much lesser extent than during the campaign period before and immediately after the state of emergency. In a total of ten reported allegations of pressure on voters, citizens were asked to provide secure votes with intimidation or direct threats of dismissal, in both the public and private sectors. The number of reported cases of pressure on political actors doubled in this reporting period. Our observers reported 33 cases from 28 cities and municipalities in which political actors were intimidated or prevented

from holding promotional and other election activities. In the total number of reported cases, the CRTA observers reported eight incidents in which party activists and officials<sup>3</sup> and party premises<sup>4</sup> were physically assaulted.

### FINDINGS OF MEDIA AND SOCIAL NETWORKS MONITORING

The main findings of the CRTA media monitoring show that although there was a declining trend in representation (from an average of 73% in the period before the election campaign and 91% in the election campaign before the state of emergency, to 58% in the period from May 25<sup>th</sup> to June 14<sup>th</sup>), representatives of the ruling parties are the most represented in the total time allocated to political actors on TV stations with national frequencies during the entire campaign period. The representation of opposition representatives participating in the elections recorded a growth trend throughout the campaign (with a percentage of representation between 9% and 22% in the period before the election campaign and 6% in the election campaign before the state of emergency to 38% in the period from May 25<sup>th</sup> to June 14<sup>th</sup>), while the representation of parties in the boycott decreased in the period of the election campaign (on average 6%) compared to the period before the election campaign (on average 15%) (Graph 2).



Graph 2: Representation of government, opposition running and opposition boycotting the elections in the programmes of all televisions with national frequencies in the period from October 14<sup>th</sup>, 2019 to June 14<sup>th</sup>, 2020

During the election campaign, a neutral tone dominates in the way of reporting on the representatives of the ruling parties (51%) and the opposition participating in the elections (52%), while a negative one prevails in reporting on the opposition boycotting the elections (62%). Representatives of the ruling parties were presented as subjects for the most part of the allotted time (between 86% and 79%), i.e. they spoke in the first person. The time in the role of the subject for the representatives of the opposition parties that will go to the polls increased during the campaign (from 53% to 80%) while it fell for the representatives of the opposition in the boycott (from 28% to 9%). Nonetheless, the insight into the distribution of time that political actors had in the segments of the main news programme intended

<sup>3</sup> Activists of the Movement of Free Citizens, Enough is Enough, of the New Communist Party of Yugoslavia were attacked by unknown persons.

<sup>4</sup> Cases of attacks on the premises of the Serbian Progressive Party, as well as and the "I live for Serbia" Movement and Enough is Enough have been registered.

for regular reporting on televisions with national frequencies in relation to the electoral blocs, gave a different picture of the equal representation of all political actors in the election process. While the time allotted to the representatives of the ruling parties was almost exclusively reserved for the parts of the news programme intended for regular reporting (93% in the regular reporting part), the representatives of the opposition participating in the elections were exclusively represented in the electoral bloc (98% in the electoral bloc). Although they do not participate in the upcoming elections, representatives of the opposition in the boycott were predominantly present in the election blocks of news programmes on TV stations with national frequencies (83%). Out of the total time on television programmes with national frequencies, Aleksandar Vučić took the most time of all individual political actors. However, there is a noticeable trend of decline in representation in the total time allocated to Aleksandar Vučić during the campaign (from 43% to 23%).

Monitoring the activities of political actors on social networks in the observed period showed that the trend of greater activity on the profiles of opposition actors continued, both on the profiles of political parties and on the profiles of party leaders. In the period from May 25<sup>th</sup> to June 14<sup>th</sup>, 2020, about 8000 posts were noted on the observed profiles of political actors. The profiles of political parties and leaders who are not a part of the ruling majority had almost three times more posts than the profiles of the ruling majority. However, there was a slight increase in activities on the profiles of the political parties of the ruling majority, which restored the dynamics of posts to the values recorded at the beginning of the campaign. There was also a slight increase in the reach of posts from the profile of the ruling majority parties, however, posts from the profiles of opposition parties still had almost twice the total reach. Opposition profiles on Facebook in this period also recorded a higher engagement of followers in comparison to profiles of the ruling majority, with a slight increase in the engagement of party profiles of the ruling majority. On Twitter, the profiles of the party leaders of the opposition still recorded the most likes from their followers, while the profiles of the parties of the ruling majority have the most shares. The posts of opposition actors on Twitter had almost twice as many likes as the posts of the ruling majority, but the posts from the profile of the ruling majority were shared almost five times more than the ones of the opposition.

## HOW DO WE MONITOR THE ELECTION PROCESS?

In its capacity of a national observation mission, the CRTA monitors the entire election process in the 2020 parliamentary elections.

### PRE-ELECTION PERIOD

During this period, our team of long-term observers is assessing several aspects of the electoral process before the actual Election Day: election campaign (general information related to the campaign; major topics addressed in the campaign; general campaign climate; possible irregularities and major violations of election laws during the campaign), the use of public resources in the campaign and the reporting of the media about the candidates and the campaign, as well as the work of the election administration.

In the period from February 10<sup>th</sup> to the election day on June 21<sup>st</sup>, 2020, 120 long-term observers, trained according to the highest international standards, are deployed in all regions in Serbia, which provides equal access to information on the course and trends of the election process for the entire country.

Our electoral process observation methodology is based on the highest international election observation standards (*The Declaration of Principles for International Election Observation*,<sup>5</sup> *the Code of Conduct for International Election Observers*, *the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organisations*<sup>6</sup> and *the Code of Conduct for Nonpartisan Citizen Election Observers*), which enables us to report on the quality of the actual electoral process.

### ELECTION DAY – June 21st, 2020

On the Election Day, the CRTA observers will be focused on observing the quality of the actual Election Day processes. Our observers will be deployed inside and outside polls on the basis of a representative random sample. Moreover, our mobile teams will monitor the occurrences outside polling stations in all districts of Serbia on the Election Day, and will also observe the work of the REC.

Having undergone an intense training course, the CRTA observers will monitor and report on the election process quality from 500 polls. They will be present at the polls from the preparations to open the polls until all polling stations committees announce election results for their respective polling stations, thereby providing comprehensive insight into all occurrences at the polls on the Election Day.

### POST-ELECTION PERIOD

The CRTA observation mission will monitor the work of the REC until it declares official election results, the resolution of electoral complaints about the performance of polling committees, if any.

## HOW DO WE INFORM THE PUBLIC ABOUT OUR FINDINGS?

Based on the processed data, the CRTA will prepare reports that will be presented to the public. During the pre-election period, reports on the findings of the CRTA long-term observation mission will be published in order to inform the public about the quality of the election process in the observed period, as well as about possible irregularities. The public will be informed about the course of the Election Day, the quality of the process, the turnout and the results of the voting on June 21<sup>st</sup> from the CRTA press centre. Preliminary results of the monitoring of the Election Day will be presented to the public on Monday, June 22<sup>nd</sup>, after the analysis of the data collected from the field. We will publish

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<sup>5</sup> National Democratic Institute, Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, October 27, 2005. <https://www.ndi.org/dop>

<sup>6</sup> National Democratic Institute, Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Nonpartisan Citizen Election Observers and Monitors, April 3, 2012. <https://www.ndi.org/DoGP>

the final report on the entire election process with recommendations for improvement in the period after the announcement of the official election results by the REC.

All information on the work of the CRTA observation mission will be published on the CRTA official website - [www.crtars.rs](http://www.crtars.rs) as well as on social networks Facebook and Twitter (@CRTArs and [www.facebook.com/CRTArs](http://www.facebook.com/CRTArs)).

## ABOUT CRTA

The CRTA is an independent, nonpartisan, civil society organisation devoted to the development of democratic culture and civic activism. By creating policy proposals, advocating the principles of accountable behaviour of government and state institutions, and educating citizens about their political rights, we are committed to establishing the rule of law and developing democratic dialogue.

Since 2016, the CRTA has been observing elections at the national and local levels. The CRTA coordinates the work of the "Citizens on Watch" network, which counts thousands of citizens trained to monitor the regularity of voting. The continuous struggle to improve the conditions for fair and free elections is the backbone of all our activities.

The CRTA observes the elections in accordance with international standards and rules of civic observation. So far, the CRTA has followed the parliamentary elections in 2016, the presidential and local elections in Zaječar and Pećinci in 2017, as well as local elections in Belgrade and in Lučani in 2018. The projections and results of our mission on the Election Day were confirmed by the official results of the REC, while our findings and recommendations from previous election processes coincide with the findings and recommendations of the OSCE/ODHIR International Observation Mission. The CRTA is a member of the Global and European Network of Election Observation Organisations - ENEMO and GNDEM.

The goal of the CRTA observation mission during the 2020 parliamentary election campaign is to efficiently monitor and analyse the application of laws and international standards during the preparation and conduct of the elections, inform citizens about the quality and democracy of the election process and events, and provide a prompt reaction to violations of electoral procedures and processes. Besides, observation of the election cycle should serve to create recommendations for improving the quality of the election process.

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