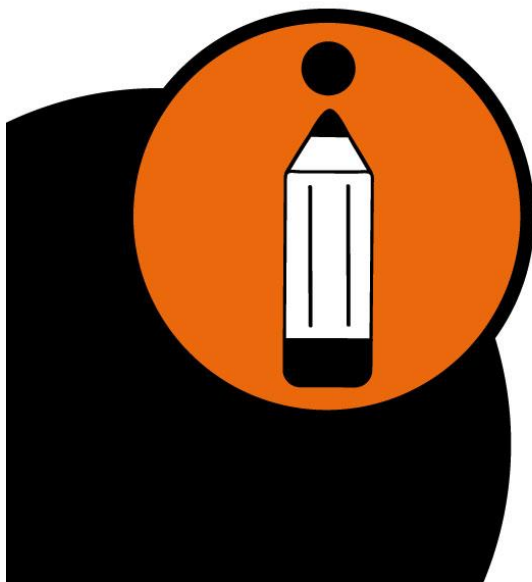


2022 : ELECTIONS

UP - CLOSE

Second Preliminary Long-Term Observation Report

February 15 - March 25



CRTA :

Second Preliminary Report on the Election Campaign

The preliminary report of the Observation Mission on the quality of the election campaign for the presidential, parliamentary, and Belgrade city elections, which will be held on April 3, 2022, shows that the institutions responsible for law enforcement and protection of voting rights have not sufficiently contributed to protecting the public interest or achieving higher standards for free and democratic elections. Those institutions that did react to violations of the law during the campaign, did not have an impact on changing the behaviour of those election actors who abused their institutional advantages in the election race. Measures to improve election conditions, stemming from two inter-party dialogues, have resulted in a more complex legislative and institutional framework for conducting elections. But, in practice, they have not contributed to addressing the burning issues with elections in Serbia: media inequality of election participants, misuse of public resources, clientelist practices, and pressure being put on voters.

The border between the ruling party and the state is almost invisible

The erasure of the border between state and party interests, i.e., government representatives using state institutions as a channel to provide support to the ruling party, with the support of the most influential media, continued during the election campaign.

Instead of competing with policies and programs, the election campaign was marked by a more pronounced abuse of institutions, their resources, identities, and the services they provide, as was the case in previous election processes. This gives a significant advantage to those political actors who head institutions. CRTA's observations showed that the institutions of the state system represent the dominant channel for exercising political influence on citizens through blackmail and rewards, but it also pointed to serious allegations that political actors have unauthorized access to citizens' personal data through state institutions. This not only created significant inequalities between the ruling and opposition parties, but the scale of the reported pressure on voters, through coercion, intimidation, or in the form of vote-buying, showed that voting, and thus freedom of choice, was at stake for certain groups of the population of Serbia. Unlike previous election processes, the campaign was marked by frequent cases of the ruling parties coordinating their activities with public services' work for political promotion.¹ The penultimate week of the campaign was marked by the use of the coat of arms and the flag of the state of Serbia on the uniforms of the ruling Serbian Progressive Party in various places in Serbia, which can mislead citizens to think that party activists represent state bodies or services.

CRTA's Observation Mission recorded about 3,500 public appearances of national, provincial, and local public officials during the campaign throughout Serbia. Two-thirds of the recorded total of officials' appearances was in the second part of the campaign, with an equal increase in state and party activities by more than 40 percent compared to the first half of the campaign.

¹ Party activists working with communal services to participate in asphaltting streets, repairing lighting, pruning trees, etc. were a frequent picture in the last weeks of the campaign throughout Serbia.

On the other hand, the reactions of institutions responsible for monitoring law enforcement during the campaign are either completely absent, as is the case with the Regulatory Authority for Electronic Media (REM), or have had no effect on changing the corrupt behaviour of electoral actors, which is the case with the decisions of the Anti-Corruption Agency. Voters' equality and the integrity of the election process are endangered due to allegations of falsification of voters' signatures in the candidacy process, which provided one of the electoral lists with a place on the ballot.

Various forms of vote-buying and covert pressure on voters are visible on the ground

Despite the significant efforts of opposition parties to establish contacts with citizens throughout Serbia, the parties of the ruling coalition were in the lead in terms of frequency and diversity of activities. The Serbian Progressive Party was represented in as many as 45% of election campaign activities.

Almost 1 out of every 10 political activities recorded by CRTA's observers were a form of clientelism, i.e., indirect, or direct vote-buying. During the campaign period, according to the collected data, the ruling parties delivered several types of material gifts to the addresses of hundreds of households in Serbia. In exchange for support, political actors mainly offered household appliances, food packages, firewood, money, and employment, but also sometimes offered to repair housing and conduct other general repairs, legalize illegally built buildings and obtain social housing. Observers reported that these actions were targeted by party activists for certain households, especially those in poorer socio-economic positions.

Although each of these recorded donations is presented as an action by individual party activists who "help neighbours", their consistent promotion along with party symbols and on social networks raises the prospect of an organised strategy to influence voters by illicit means. There is also the issue of financing party activities by third parties, which can be interpreted as an attempt to circumvent the laws governing the financing of party activities.

The atmosphere before the announcement of the elections, as well as during the election campaign, was engineered through sophisticated, everyday mechanisms to put pressure on citizens. This is shown by the findings of CRTA's Observation Mission. Based on information gathered from more than 50 hours of interviews with victims or witnesses of pressure on voters, from almost 30 cities in Serbia, CRTA's Observation Mission concludes that public sector employees, as well as minority and socio-economically vulnerable groups, and above all citizens of Roma nationality, are the most exposed to this pressure. Roma citizens are even exposed to the suspension of their civil rights before elections (such as cases in which party activists withhold the ID cards of members of the Roma community until election day), as well as threats, intimidation, and even physical violence.

CRTA's observers have learned that in many parts of the country, citizens who are on party lists for packages and gifts are in many cases also beneficiaries of social services. This raises suspicions that political parties obtain personal data on voters through the misuse of data about beneficiaries held by social work centres. CRTA's Observation Mission points out that the misuse of personal data has cast a shadow on earlier election processes, such as the use of data on beneficiaries of old-age, disability, and survivors' pensions in the Republic of Serbia (including minors) who received promotional party leaflets during the 2020 parliamentary elections.²

CRTA's Observation Mission also recorded cases of pressure on voters, other forms of electoral corruption, and abuse of institutions during previous elections. However, these allegations and cases of abuse passed without a suitable conclusion, i.e., without determining individual and institutional responsibility. Therefore, CRTA's Observation Mission appeals for an urgent reaction by the authorities, who must identify, sanction, and eliminate possible failings in the work of state bodies.

The Deceptive Pluralism in the Media during the Election Campaign

In the period from October 1, 2021, to March 25, 2022, CRTA's Observation Mission recorded over 425 hours of programs on five television stations with national coverage that were dedicated to political actors. The main findings indicate that, in the run-up to the election campaign, media pluralism was almost non-existent until the beginning of the election campaign, when the trend in the coverage changed in favour of opposition representatives (from, an average of 15 percent of coverage in the pre-campaign period to 36 percent during the election campaign). This change was the result of the introduction of mandatory electoral blocks in national television schedules.

The results also indicate that the informative parts of the schedules of television stations with national coverage were predominantly allocated to representatives of the government (75 percent), while representatives of the opposition were mostly shown only during the parts of the schedule specifically designated for election broadcasting (94 percent). With the introduction of electoral blocks, in addition to changing the trend of representation in favour of opposition representatives of the opposition, there were changes in the tone of presentation of political actors. These changes refer to the representatives of the opposition, who during the campaign period were presented mostly neutrally (73 percent) and almost equally negatively (12 percent) and positively (14 percent). On the other hand, there was no change in the tone of representation of the representatives of the ruling coalition. They were most often represented neutrally (73 percent), then positively (24 percent), and rarely negatively (3 percent).

Bias in the reporting of national television broadcasters was also noted, namely in the way that parties of different orientations were covered. In addition to their representatives being given the most time (52 percent), conservative, traditionalist opposition parties (NADA, Patriotic Bloc, Sovereignists), some of which advocate certain extreme views (SRS and Zavetnici), were

² CRTA, *Preliminary Report on the Election Day*: <https://crt.rs/en/elections-2020-preliminary-report-on-the-election-day-june-21st-2020/>, page 6.

represented in a mostly neutral tone (81 percent), and then in a positive tone (17 percent), and rarely in a negative tone (2 percent). On the other hand, opposition parties that advocate modern, more liberal views (United for Serbia, Moramo, and SDS) who received 44% of the coverage, were mostly presented neutrally (63%). But, compared to traditionalist opposition parties, they were covered negatively (30%) far more often than positively (7 percent).

The presidential candidate to whom the media devoted the most time was Aleksandar Vučić. Collectively, in his capacities as the President of Serbia and president of the ruling party, 74 percent of the time intended for presidential candidates was dedicated to him. All presidential candidates were presented mostly neutrally and positively. Zdravko Ponoš had the most neutral (52 percent) and negative representations (39 percent).

By analysing the media monitoring data on individual television stations with national coverage, CRTA concluded that the state broadcaster, RTS 1, reported the most professionally during the election campaign, regarding the representation and tone of representation of political actors. On the other hand, TV Happy and TV Prva were more moderate in their representation of all political actors than B92 and Pink. TV Happy and TV Prva reported positively on government officials and equally negatively and positively on opposition representatives. B92 and Pink reported biasedly in favour of ruling party representatives and negatively about representatives of the opposition.

Improved transparency of the REC's work

During the election campaign period, the performance of the institutions in charge of implementing and monitoring compliance with election rules, regulations, and other laws that regulate the behaviour of various actors during the election campaign, varied.

The work of the Republic Election Commission (REC) and the Belgrade City Election Commission (CEC) was conducted in accordance with the law and the existing legal framework. There was more transparent communication, innovative working methods such as online training for polling station members, and improved educational content compared to previous election processes. Accredited observers have access to all the information relevant to the work of the REC, including timely session announcements and materials.

The announcement of the electoral lists proceeded as per the relevant procedures and deadlines. The REC declared 19 electoral lists in the elections for MPs, of which eight electoral lists were determined to have the status of a national minority electoral list, while the CEC declared 12 lists, one of which is a national minority list. However, it turned out that in this election process, the issues of the status of parties and the national minorities' lists were not resolved correctly, despite the latest changes in election laws. The REC and the Administrative Court did not have the same opinion on all the election lists. Thus, the status of a minority list in the election for MPs for Parliament was given to the list "Russian Minority Alliance - Milena Pavlović, Pavle Bihali Gavrin", which consists of parties with a questionable programme and activities. According to the ruling of the Administrative Court, this list had to be confirmed and given the status of a national minority

because the constituents of the list are in the register of national minority political parties, while the REC considered this list's claim to be a national minority party to be unfounded.

The candidacy of the "Russian Minority Alliance" list has called the legality and legitimacy of the election process into question. Its participation is under reasonable suspicion of being made possible by falsifying statements of voter support, namely forging the seal and identity of New Belgrade municipal verifiers. This case is even more problematic because the whole case was discovered after the proclamation of this electoral list by the decision of the Administrative Court. This further violated the integrity of the election process, as it allows voters to vote for a list whose place on the ballot paper is under suspicion of having been obtained illegally. CRTA's Observation Mission would like to remind the public that in the parliamentary elections of 2016, more than 15 thousand statements of citizens for the seven submitted electoral lists were falsified, resulting in the Republican Party ending up on the electoral list. To date, these cases have not received a judicial condemnation. CRTA has already pointed out that signatures of support being verified in municipal and city administrations is bad practice. This has been confirmed by the case of the Russian Minority Union and the Municipality of New Belgrade, which was reintroduced in 2020 by sudden changes in election laws.

The work of local election commissions, which from this year have the authority to conduct national elections, used a new, different way of working and making decisions (the practice of holding telephone sessions). Most decisions were related to appointing members and deputy members of municipal election commissions and polling boards.

Voter register under scrutiny again - citizens' questions left unanswered

The submission of voting notices during this election process also drew the public's attention to the issues of the accuracy of the voter list and data registers kept by state bodies. Despite various allegations and testimonies of citizens about voting notices arriving at the addresses of deceased persons or persons for whom there is a suspicion as to whether they live at the addresses stated in the notices, there was no timely or credible reaction from the relevant state authorities. Instead of explaining the process of drafting and delivering voting notices and the functioning of the Unified Voter Register database, the Ministry of Public Administration and Local Self-Government called on citizens to report all calls to unknown persons to the police while repeatedly claiming the voter list "has never been more up to date".

THE WORK OF INDEPENDENT AND TEMPORARY INSTITUTIONS – NO IMPACT AND INVISIBLE

By regularly deciding on citizens' applications, the Anti-Corruption Agency has fulfilled its most basic, legally prescribed activities. However, the lack of transparency in the work of this institution remains clear in this election cycle, as information on some of the Agency's activities is not available to the public. Instead of agreeing to a working meeting with CRTA's Observation Mission, the Agency sent an invitation to an assembly on the role of the Agency in the light of the new Law on Financing Political Activities. Although the Agency announced the observation of the election campaign, the public remained deprived of information about the methodology, manner of work, and the number of observation missions.

During the campaign, CRTA's Observation Mission submitted 14 reports to the Agency, alleging 13 violations of the Law on Financing Political Activities (misuse of public resources by the Serbian Progressive Party) and nine violations of the Law on Prevention of Corruption misuse of public resources by public officials to promote the Serbian Progressive Party).

Of the 14 published decisions on reports on violations of the Law on Financing of Political Activities, 11 refer to reports submitted by CRTA, and three were made by other natural or legal persons (all three were unfounded). Out of the 11 decisions on CRTA's reports, 5 were determined to be unfounded, i.e., that the law was not violated. 6 were determined to be founded, i.e., that the law was violated. In all 6 cases, the law was violated by the Serbian Progressive Party, by a responsible person in that party. Of these 6 decisions, a warning measure was issued in 3 cases, while in the remaining 3 it was not. So, the Agency is obliged to submit requests in these 3 cases to initiate misdemeanour proceedings (misdemeanour charges) against the Serbian Progressive Party and the relevant, responsible person in that party.

Regarding the decisions of the Agency on reported violations of the Law on Prevention of Corruption, the Agency submitted 5 notifications to CRTA on the outcome of the procedures initiated by CRTA's reports. In all 5 cases, the Agency determined that the reports were unfounded, i.e., that the reported public official did not violate the provisions of the Law on Prevention of Corruption.

The decisions of the Anti-Corruption Agency have had no effect when it comes to changing the behaviour of political actors. The fact that the observers of the Agency suffered obstruction by political parties in the performance of their duties speaks how the Agency is being ignored, as evidenced by the announcement of the Agency on this topic.

Regulatory Authority for Electronic Media (REM) - form without function

The REM performed its role as the body responsible for adopting the necessary acts regulating the conduct of media service providers (MSPs) during the election campaign only partly in accordance with its legal powers and competencies. It exclusively regulated the obligations of public media services. The REM has adopted a total of four reports on the supervision of MSPs,

however, the impact of the REM's work on the content of the campaign, i.e., the behaviour of MSPs remains questionable. In this election process, the REM continued the practice of not acting on citizens' applications, as the REM Council has not decided on any applications so far. CRTA's Observation Mission has submitted 11 reports to the REM since the beginning of the election campaign.

Along with each published report, REM issued a statement interpreting the findings of the relevant reporting period. Each interpretation that appeared in public that was different from the REM's "official" interpretation was responded to by new REM statements that referred to different interpretations as "tendentious" and politically motivated. The REM's official interpretation says that, as the campaign progresses, there has been a "proportional increase in the representation of electoral lists", and that the higher representation of government officials during one period of the campaign was caused by foreign policy developments.

The roles of the Temporary Supervisory Body, established within the inter-party dialogue on electoral conditions, have been reduced in practice to giving opinions and informing the public. The unclear role of this body is added to by the conflict of opinion among its members. The disagreement between the REM-nominated members and opposition-nominated members arose because of differing interpretations of the REM's findings on the Report on Supervision of Media Service Providers during the national and local election campaigns. Of all the relevant bodies, CRTA's Observation Mission collected the least data on this body's work. No meeting was held between the body and CRTA, despite the CRTA's Observation Mission's invitation.

Election Campaign Supervisory Board - Late Start, Growing Activity, and Pending Results

The work of the Election Campaign Supervisory Board (*hereinafter: Board*), in addition to the late start and somewhat regular sessions, was of limited scope and had little influence on the behaviour of actors in the election campaign. In the period from the announcement of the elections to the day of the conclusion of this report, the Board held a total of six sessions. The issues related to the organization of the Board's work were regulated at the first two sessions. At the four sessions that followed, the board dedicated itself to the consideration of applications.

In addition, the Board drafted a proposal for measures to respect the equality of candidates in the presentation of their programs. In this document, the Board referred to the necessity of presenting election programs in the election campaign, as well as the phenomenon of so-called "officials campaigns", in which state resources and institutions are used to promote a political party.

At various sessions, the Board considered a total of eight applications/requests from various political actors and organizations. During the reporting period, CRTA's Observation Mission submitted five reports to the Board, pointing out five cases in which the board itself was suspected of violating the provisions of the Law on Financing Political Activities and the Law on Prevention of Corruption. The same cases were reported to the Anti-Corruption Agency earlier in the campaign. The Election Campaign Supervisory Board assessed the reported cases in the same way as the Anti-Corruption Agency had done earlier, i.e., in two cases it found that the provisions

of the Law on Financing Political Activities had been violated, while in the remaining three cases it did not find such violations. The Board did not comment on the allegations in the reports that related to possible violations of the provisions of the Law on Prevention of Corruption.

Citizens do not have the support of institutions in their fight for electoral rights

During the campaign, the CRTA's Observation Mission was directly contacted by more than 200 citizens regarding various aspects of the election process, including events that citizens perceived as irregularities. The problem most reported by citizens was that political parties had unauthorized access to their personal data, followed by cases of harassment in "door to door" campaigns, "officials campaigns", pressure on employees in state institutions, and donations of household appliances and other goods by political parties.

In the most recent period of the election campaign, the highest number of reports by citizens concerned invitations to vote (76 cases). It was unclear to the people from the cities and municipalities in whose territories the local elections are being held, why they received two invitations to vote with two different ordinal numbers in the excerpt from the voter list. Citizens also reported to CRTA's Observation Mission that a number of invitations to vote were received for deceased members of their household received invitations to vote (13 cases), despite interventions and requests for deletion from the electoral roll. In four cases, citizens had tried several times to remove unknown people registered at their address from the electoral roll.

OBSERVATION METHODOLOGY

The methodology for long-term election observation employed by CRTA is based on international standards for election observation: the Declaration of Principles for International Election Observation³, the Code of Conduct for International Election Observers, the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations⁴, and the Code of Conduct for Nonpartisan Citizen Election Observers and Monitors.

Field monitoring methodology

Starting in December 2021, and trained according to the highest standards, a field team of long-term observers has been monitoring the atmosphere and the course of the election campaign in 160 cities and municipalities across Serbia on a daily basis. This systematic approach allows CRTA to have equal access to information about the course and trends in the electoral process for the territory of the entire country.

The methodology for long-term observation of the period prior to calling of the elections, which will also be used during the official campaign and until Election Day, April 3, entails collecting data, on a daily basis, on the manner that political actors present themselves to voters across the country in order to mobilize their support, including the frequency of communication and promotional content, types of messages and content of the programs that political actors have prepared. In addition to the course and content of regular political party activities, CRTA's observers are also monitoring anomalies on the ground, i.e irregularities and abuses in the election campaign, across the following categories: clientelism, vote buying and pressure on voters, abuse of state resources, officials campaigning and abuse of state office, and pressures on political actors. The observation methodology puts equal focus on monitoring the behaviour of ruling parties and opposition parties, as well as opposition parties not present in Parliament. The long-term observation also implies monitoring the activities of all public officials and holders of public office who were elected directly, on the national, provincial, and local levels. The focus was on public office holders' conduct which entailed their every activity on the ground, where they addressed voters directly or indirectly, through local media or other channels of communication.

Data collection occurs daily, through direct reporting, with the unit being one event - whether it was performed by a political party or a public authority. During the election campaign, more than 5,000 observer reports were received and analyzed, within which over 3,400 activities were conducted by public authorities, and over 1,500 activities were attributed to political parties.

Methodology of in-depth research of electoral corruption and violence cases

³ National Democratic Institute, Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, October 27, 2005. www.ndi.org/dop

⁴ National Democratic Institute, Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organisations and Code of Conduct for Nonpartisan Citizen Election Observers and Monitors, April 3, 2012. www.ndi.org/DoGP

In order to better understand the atmosphere suggested by the numbers in statistical analysis, CRTA's Observation Mission is conducting research with the main goal to identify and, if possible, classify the most frequent types of pressure exerted on voters, misuse of public resources and personal data and vote-buying. The research is additionally conducted so as to gain a deeper insight in mechanism underpinning these phenomena.

CRTA's researchers, trained according to the highest international standards for documenting and investigating the cases of political and human rights violations, employ qualitative methods of semi-structured and non-structured interviews for research purposes. Interviews were conducted in accordance with the predefined protocol, which implies taking the necessary steps to ensure the security of the participants and the protection of their identity as well as to ensure high-quality data collection. Given both the sensitive nature of research topics and pandemic circumstances, the informants are given the opportunity to choose whether they will participate online or in person. Live conversations are been conducted in absolute compliance with the prescribed pandemic measures. Interviews are recorded with participants' consent, transcribed, coded and analysed. Data that may suggest the identity of the participants are anonymized during transcription. In accordance with the goals and specific tasks of the research, an interview guide was formulated on the basis of which the interviewers subsequently adjusted the questions and sub-questions.

Several sampling methods are combined: purposive, convenience and snowball sampling. The research includes people who are pressured by political parties or actors or participated in the misuse of public resources and personal data or vote-buying, as well as those who are direct or indirect witnesses of such phenomena. Participants also include journalists, activists and political actors who are either victims of pressure or have specific knowledge that could complement a deeper understanding of the context of the phenomena and mechanisms under research. Until publishing this report, a total of 63 interviews with informants from 28 municipalities have been conducted (total duration: over 50 hours). Duration of a single interview ranges from 30 minutes to 2 hours.

Media monitoring methodology

The CRTA Observation Mission officially started monitoring televisions with national coverage on October 1, 2022. The main objective of media monitoring was to determine whether all political actors received equal representation, what was the tone of reporting on political actors, and whether all political actors were equally represented in the roles of subjects and objects. In this way, the CRTA Observation Mission aims to provide insight into the level of media pluralism, and the professional approach of the media to all actors on the political scene.

CRTA's observers, trained according to the highest international standards for media monitoring in the election campaign, monitored all television channels with national coverage, between October 1, 2021, and January 31, 2022. The monitoring included the Public Service Broadcaster Radio-Television Serbia 1 (RTS1), Pink Television, TV Prva, TV Happy, and TV B92. The focus

was on the extended prime-time, between 5:30 pm and midnight, and programmes which either reported on or mentioned political actors.

The representation of political actors was measured by recording the basic unit of measurement, i.e the seconds, which were dedicated to each political actor by each observed television. The tonality of reporting was measured on a three-point scale, ranging from negative to positive, where the negative tone reflected attacks on, or unfavourable reporting on political actors, the neutral tone implied presenting facts without offensive or affirmative reporting, and the positive tone reflected affirmative or positively biased reporting on a certain political actor. The seconds were measured for each political actor, both in the role of the subject and the object. The subject role implies that the political actor is speaking in first person, directly to an audience in television programmes, while the object role implies that other actors, television guests, hosts or news anchors, are talking about a certain political actor.

More information about CRTA's media monitoring methodology is [available here](#).

ABOUT CRTA

CRTA is an independent, non-partisan civil society organisation dedicated to promoting the democratic culture and civic activism. By creating public policy proposals, advocating for the principles of responsible conduct and accountable authorities and state institutions, and educating citizens about their political rights, CRTA advocates for the establishment of the rule of law and democratic dialogue development.

Since 2016, CRTA has been conducting election observation on the national and local level. CRTA coordinates the “Citizens On Watch” network, counting several thousand citizens trained to observe the regularity of the vote. Continuous efforts to improve conditions for fair and free elections is at the very core of all CRTA activities.

CRTA observes elections in accordance with international standards and rules of citizen observation. So far, CRTA has observed the 2016 and 2020 parliamentary elections, the 2017 presidential elections, local elections in Zaječar and Pećinci in 2017, the 2018 Belgrade and local elections in Lučani, as well as the 2022 referendum on constitutional changes. The CRTA Observation Mission’s projections and results on Election Day have been confirmed by the official results of the Republic Electoral Commission (REC), while CRTA’s findings and recommendations from previous electoral cycles are complementary to findings and recommendations of the OSCE/ODIHR international observation mission. CRTA is a member of the global and the European networks of election observation organisations - ENEMO and GNDEM.

The aim of the CRTA Observation Mission during the 2022 election campaigns is to efficiently monitor and analyse the implementation of the legal framework and international standards in preparing and conducting the elections, inform citizens about the quality and the democratic character of the election process and events during the campaign, and ensure timely reactions in case of breaches to electoral procedures and processes. Additionally, election observation should bring about the development of recommendations to improve the quality of the election process.

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