



CRTA:

ELECTIONS: 2022

Final 2022 Election Observation Report

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The regular election of the President of the Republic of Serbia, an early election of MPs for the National Assembly of the Republic of Serbia, and regular elections for councillors for the Belgrade City Assembly were held simultaneously on 3 April, 2022. CRTA's Observation Mission, as a non-partisan and independent domestic observer, followed the entire course of the presidential, Belgrade, and early parliamentary elections, before election day, during election day, and after election day, until the announcement of the final election results.¹

Taking the whole election process into account, from the moment of announcing the election to the announcement of the final results, CRTA's Observation Mission assesses that the integrity of the elections was significantly jeopardised because the equality of the election participants collapsed in favour of the parties in power, voters were deprived of even and objective information about the election offers of different parties, and freedom of choice was endangered for certain groups of the population. Comprehensive changes were made to the election laws. Contrary to international democratic standards, they were implemented just before the announcement of the elections. These changes, together with the abandonment of the previous, decades-long established election organising practices, placed a large burden on the election administration and contributed to legal uncertainty. The elections were marked by widespread clientelist practices, voter pressure, and intimidation, pronounced media inequality, and abuse of institutional advantages that blurred the line between the state and the ruling party. Attempts to protect the integrity of the elections were incomplete and took too long to be effective.

The elections were held in the shadow of the four-year absence of most opposition parties from Parliament, due to their boycott of the Parliament in 2019, and then their boycott of the parliamentary elections in 2020. The year leading up to the election was marked by the almost complete absence of opposition representatives from the national media, abuse of the institutional advantages of the ruling majority, as well as frequent civil protests throughout Serbia.

Despite the practices that marked the election, there were no formal restrictions on candidates running, nor formal restrictions on the right to vote, and the electoral commissions – both for the Republic and the City of Belgrade - despite the heavy burden of new rules, organised the election process mostly following the regulation. However, the quality of the work of the lower levels of administration, and especially the polling committees on election day, was worrying. Also, making legal changes in a short period of time made it impossible for the institutions of the state and society to adequately inform the public and election actors about the new rules for the conduct of elections. On the night of the election, this caused doubt among part of the public about the integrity of the Republic Electoral Commission (REC), which did not announce the preliminary results of the vote as it usually does, nor did it explain why – that the new election rules do not prescribe this obligation. It is also very troubling that the electoral process has not developed any resistance to various cases of abuse that are repeated throughout election cycles due to inadequate or non-existent institutional responses to them.

¹ The local elections that were held parallelly to observed elections in another 12 local self-government jurisdictions in Serbia were not subject to observation.

Data analysis performed on signatures, which were collected and verified, to support electoral lists and candidates indicates the existence of inconsistencies and the possible misuse of citizens' personal data by several electoral lists and candidates. Allegations of falsification of signatures for candidacy by one of the announced election lists shook the integrity of the election process and left voters with the possibility to vote for an electoral list that reached the election via illegal actions.

During the campaign, as in previous election cycles, CRTA's observers recorded serious cases of pressure on citizens, widespread clientelist practices, numerous cases of abuse of public resources, as well as state-resourced campaigning. The start of the war in Ukraine increased the intensity of state-resourced campaigning, especially in the media.

In the period before the announcement of the campaign, there was almost no pluralism in the media, but during the election campaign, there was a change in the amount and manner of reporting on opposition electoral actors. The change in this trend occurred as a result of the introduction of mandatory electoral blocs on television stations with national coverage. Opposition electoral lists were given time slots in the mandatory election programming, though representatives of the ruling parties still dominated political news coverage. Bearing in mind the short duration of the election campaign, as well as the fact that the opposition representatives were assigned the part of the programming which the audiences have less interest in, the recorded changes were not enough for the voters to gain a balanced picture after several months of favourable treatment of the ruling parties in the most influential media.

The Observation Mission's findings showed that the institutions responsible for ensuring equal electoral competition, protection of public interest, and voting rights did not sufficiently protect the public interest, nor did they contribute to greater respect of standards for free and democratic elections. Institutions that responded to violations of the law during the campaign, such as the Agency for the Prevention of Corruption, did not cause a change in the behaviour of those election actors who abused institutional advantages in the election race. The regulatory body for electronic media did not influence the behaviour of the media, and instead presented to the public a distorted view of the media environment in which the election campaign took place.

The main conclusion of CRTA's analysis of the election day is that the elections at most polling stations took place in accordance with laws and procedures, but also in an atmosphere full of tension that occasionally escalated into physical violence, along with a manifest unwillingness by the polling committees to organise and conduct voting at the polling stations effectively. The extremely poorly organised and tense election day was an expected outcome of the continuous collapse of the integrity of the electoral process as a whole, marked by the strengthening and improvement of various forms of electoral corruption and endangerment of the voting rights of citizens in the period before and during the election campaign. The greatest damage to the quality of elections was done before election day.

During election day, continuous repetition of gross violations of the rules were recorded on 5 percent of the polling stations both in Serbia and in Belgrade, which seriously threatened the integrity of voting in those stations. However, the widespread irregularities did not affect the final election results in Serbia and Belgrade, i.e. the number of votes from those polling stations did not affect the prospects of any electoral lists passing or staying below the electoral threshold and so winning a different number of mandates.

A sudden and massive change in election rules and the work of the administration immediately before the elections contributed to the chaos in the processes of protection of electoral rights and announcement of election results. The impression of legal uncertainty,

and distrust in the election process, marked the period after election day. The certainty of whether the election process had actually ended has also been called into question due to political tensions and the low-quality work of the polling committee at one polling station in Veliki Trnovac, in the municipality of Bujanovac.

1.1 Before election day

CRTA's Observation Mission conducted long-term observation of the elections to assess the quality of the entire election process, based on the collected information on relevant events and election conditions in the period leading up to the election day.

The election campaign was announced amid pronounced media inequality between the ruling parties and representatives of the government versus the opposition, abuse of the institutional advantages of the ruling majority, and widespread clientelist practices. Fundamental changes to election laws ahead of the announcement of elections, contrary to international democratic practices, burdened the work of the election administration, left insufficient time for the public and candidates to be adequately informed about election rules, and contributed to legal uncertainty.

The work of the Republic Electoral Commission (REC) and the City Election Commission of the City of Belgrade (CEC) took place according to the powers and deadlines stipulated by law. Almost all decisions were made by the REC and CEC in a timely manner and unanimously, without significant discussion, except in the case of deciding on the voting method of voters from Kosovo. Notably, REC was more transparent compared to the 2020 election cycle, while the transparency of CEC was at a lower level.

For the first time, local election commissions found themselves in the role of mid-level administration in national elections, a role assigned to them by changes in the law just before the elections. While their work was carried out in accordance with the law on paper, in practice local election commissions acted inconsistently, especially when it comes to the degree of transparency and uniformity of communication, as well as in their understanding of their tasks and responsibilities.

The period before election day was marked by controversies related to the collection of signatures necessary for candidacy, the state of the voter list, and structural changes in polling stations. These controversies, also present in earlier election processes, contributed to the public mistrust in the integrity of the elections.

As in previous years, the candidacy process was not a fair fight for all political actors, which contributed to doubts in the integrity of the electoral process. CRTA's analysis of the number of verified voter declarations points to possible abuses in the process of collecting and verifying signatures. Among these, the potential falsification of voter declarations, i.e. cases where voter signatures were found on several lists, as well as cases of signatures of persons who are not on the voter list, stand out. Allegations of falsification of signatures for the candidacy of the electoral list "Russian Minority Alliance" shook the integrity of the electoral process and left the voters with the possibility to vote for an electoral list that reached the election through illegal actions. As of the day this report is finalised, state authorities have not taken any action regarding this case, which furthers the practice of not prosecuting cases of the criminal offence of forgery. This lack of action was also the case in previous election processes.

The electoral roll was once again the subject of public controversy, while citizens have very little information about the Single Electoral Roll. Although the Ministry of Public Administration and Local Self-Government did take several steps forward in terms of

publishing data in the previous period, the steps must be more structured, consistent, and transparent. Information about fictitious tenants or "phantoms" in Belgrade surfaced in public. This phenomenon, which cannot be explained by demographic trends, was also noticed by the CRTA's Observation Mission in border municipalities in western Serbia. Citizens' communication with state authorities was difficult, both due to citizens' insufficient knowledge and the complexity of the process, which is why many voters have given up on updating their data in the electoral roll. Poor coordination between different state authorities meant that a large number of citizens who wanted to exercise their right to vote abroad reported that they were not allowed to vote.

When selecting polling stations, local election commissions did not communicate their decisions consistently, which made it difficult for the public and election observers to stay informed about polling stations. There was a significant change in the structure of polling stations in some municipalities, such as Palilula where 28 stations were merged, or in Novi Sad where 10 new stations were formed. This process, in the absence of adequate communication, threatened to spread doubt and distrust among the public, especially among voters who were used to voting in the same place for years or decades. This is particularly significant because during these elections there was a greater volume of problems with the delivery of notices about the date and time of the elections distributed by the Post of Serbia. Many citizens reported that these voter invitation cards were not delivered properly or were not delivered at all. There were also allegations among the public that the change in the structure of polling stations served to make access to polling stations more difficult for voters of opposition parties.

The polling stations for voters from Kosovo were determined just before the voting day itself, far from the voters' places of residence, which made voting difficult, if not impossible. Compared to 2020, there were many more polling stations abroad, but the possibility for voters abroad to effectively participate in the electoral process and exercise their right to vote was once again questioned by the public.

The large number of recorded cases of voters being pressured through coercion and intimidation, or in the form of buying votes, shows that during the election campaign, the voting rights and freedom of choice for certain groups of the population in Serbia were jeopardised. All cases of pressure on voters recorded by CRTA's long-term observers were connected exclusively with the ruling parties and most of them with state institutions.

The abuse of state institutions, which was registered by CRTA's observers in the period before the official start of the campaign, continued during the election campaign. The clear tendency of government representatives to use state institutions as a channel for securing support for their party led to a further blurring of the line between state and party interests. The most influential media contributed significantly to this process.

Instead of fair competition between different policies and political programmes, the election campaign was marked by a more pronounced abuse of institutions, their resources, influence, and the services they provide than was the case in earlier election processes. CRTA's observation showed that state institutions are the dominant channel for exerting political influence on citizens through the method of blackmail and rewards. This led to serious allegations that political actors obtained unauthorised access to citizens' personal data held by state institutions.

Employees in the public sector, as well as minority and socio-economically vulnerable groups, primarily citizens of Roma nationality, were most exposed to pressure. Roma citizens were even exposed to forms of suspension of civil rights before the elections (such as cases in which party activists confiscated and withheld Roma citizens' identity cards until after they had voted), as well as threats, intimidation, and even physical violence.

In addition to cases of pressure on voters, political actors influenced voters with clientelist incentives, that is, public promotions that implied the distribution of material goods in exchange for political support to citizens throughout Serbia. Almost every tenth activity recorded by the CRTA's observers in the field had a clientelistic character, and they were exclusively connected to the parties in power. The election campaign frequently recorded promotional activities carried out jointly by the ruling parties via communal services. The last week of the campaign was marked by the use of the coat of arms and flag of the state of Serbia on the uniforms of activists of the ruling Serbian Progressive Party in various places in Serbia, which could have misled citizens to think that party activists represented state bodies or services.

The period preceding the official start of the campaign can be characterised as a period in which there was almost no political pluralism in the media. However, during the election campaign, there was a change in the trend of representation and the manner of reporting on opposition election actors (from 15 percent of the coverage in the pre-campaign period to 36 percent during the election campaign). The increase in the representation of the opposition arose due to the introduction of mandatory electoral blocs in television channels with national coverage. The results also show that the regular segments of the news programmes of those broadcasters were mostly allocated to representatives of the government (75 percent), while the dedicated election parts of the programme were given to representatives of the opposition (94 percent).

Although there were quantitative changes in the representation of electoral actors, the tone of reporting on government representatives remained unchanged compared to the period before the start of the campaign. During the election campaign, government representatives were mostly presented neutrally (73 percent), then positively (24 percent), and to a negligible extent negatively (3 percent). On the other hand, there was an increase in the time in which the opposition was reported in a neutral tone (from, on average, 59 to 73 percent) and in a positive tone (from, on average, 4 to 12 percent), while the time in which they were covered in negative tone dropped (from, on average, 36 to 14 percent). Bearing in mind the short duration of the election campaign, as well as the fact that the opposition representatives were allocated the part of the programme in which the audience is generally less interested, the recorded changes were not enough to cancel months of favourable coverage of the ruling parties compared to opposition electoral actors.

74 percent of the time allocated to presidential candidates was devoted to Aleksandar Vučić in his two capacities as the President of Serbia and the president of the Serbian Progressive Party. All presidential candidates were presented mostly neutrally, then positively, except for Zdravko Ponoš, who had the most neutral (52 percent) and negative coverage (39 percent).

1.2 Election Day

In parliamentary and presidential elections, the Republic of Serbia counts as one electoral unit. Parliamentary and local elections were conducted using the proportional electoral system, and parliamentary mandates were distributed using the highest averages method between candidate lists that exceeded the electoral threshold of 3 percent of all valid votes. The 3 percent threshold does not apply to the electoral lists of the parties of national minorities. The presidential elections were conducted using a two-round system, with direct voting for presidential candidates.

The number of citizens who had the right to vote in the parliamentary and presidential elections was 6,502,307 and the elections were conducted at 8,267² polling stations. In Belgrade, 1,600,463 voters could vote at 1,170 polling stations.

CRTA's Observation Mission observed the parliamentary, presidential, and city councillor elections of the Belgrade City Assembly at two representative and random samples of 500 polling stations in Serbia and 450 in Belgrade (excluding polling stations abroad and in penitentiary institutions, and polling stations for voters from Kosovo). Based on the results collected from sampled polling stations, in all elections a higher turnout was recorded than in previous election cycles: 58,7 percent in parliamentary elections (margin of error 0,9%), 58,6 percent in presidential elections (margin of error 0,9 %), and 57,2 percent in Belgrade local elections (margin of error 0,5%).

The analysis of the election day shows that the elections at most polling stations took place in accordance with the laws and procedures, but also in an atmosphere full of tension that occasionally escalated into physical violence. Some polling committees were clearly unwilling to organise and conduct voting at the polling stations in the proper manner.

Election day was extremely poorly organised and tense. This was expected, due to the continuous collapse of the integrity of the electoral process as a whole, marked by the strengthening and development of various forms of electoral corruption and the endangerment of citizens' voting rights in the period before and during the election campaign. The greatest damage to the quality of the elections was done before election day, through the ruling parties gaining support by undemocratic means, the inaction of state institutions tasked with protecting the law and the public interest, and the unprofessionalism of the majority of the most influential media.

During election day, continuous gross violations of the rules were recorded at 5 percent of polling stations both in Serbia and in Belgrade, which seriously jeopardised the integrity of the election at those polling stations. However, the number of irregularities was not enough to affect the final results of the elections in Serbia and Belgrade, i.e. the number of votes from those polling stations was not large enough to determine whether any electoral lists passed or fell below the electoral threshold, i.e. to win different numbers of mandates.

The results of the election on a sample of polling stations show that in the parliamentary elections, seven electoral lists crossed the threshold of three percent, and five minority lists (to whom the election threshold does not apply) won mandates, while the current ruling coalition won a majority of the 250 parliamentary seats. In the presidential elections, the candidate Aleksandar Vučić won an absolute majority of votes, so there was no second round of elections. In the elections for the Belgrade City Assembly, based on the results from the sample, seven lists passed the threshold, and the current ruling coalition won 56 mandates.

CRTA's Election Day Report is based on information collected from more than 3,000 accredited short-term observers and refers primarily to the quality of the voting process. CRTA's observers, trained according to the highest international standards, followed election day from the preparation and opening of polling stations to their closing and the announcement of voting results at the observed polling stations. In addition to observing inside the polling stations, some of the observers were assigned to mobile teams that followed the events in front of and around the polling stations.

² Out of a total of 8,267 polling stations, 1,170 were in Belgrade, 77 abroad, 29 in penitentiary institutions, and for voters from Kosovo 46 polling stations were opened.

During election day, polling committees were reluctant to fully ensure that voting took place in accordance with the necessary procedures. The most frequently noted irregularity was keeping parallel records of voters in and around the polling stations, followed by: violation of the secrecy of the ballot, recording of events, and the presence of unauthorised persons at the polling station. Violations of procedures for voting outside the polling station (voting "from home") were also recorded.

During the day, there were crowds and queues of voters at some polling stations. CRTA's observers also recorded cases where voters, who were waiting in line to vote, were prevented from voting even though they were at the polling stations at 8 p.m, which is the cut off deadline according to the law.

Organised transport of voters, gathering of people around the polling station with allegations of vote buying or the so-called 'Bulgarian train', are some of the phenomena that CRTA's observers recorded on the ground. Observers noticed vehicles circling polling stations. This occurred less often in Belgrade than elsewhere in Serbia. CRTA's monitoring mission submitted seven reports to the police, due to five cases of vote buying and two cases of the 'Bulgarian train.'

CRTA's observers recorded several cases of physical and verbal violence throughout Serbia, at and around polling stations. Observers also received information about several other violent incidents. There were recorded cases of intimidation and verbal insults directed at CRTA's observers by members of the polling committees (at five polling stations) and by unknown persons in front of the polling stations (at three polling stations).

The situation from the 2022 referendum in which voters from Kosovo were not equally able to exercise their right to vote as other citizens of Serbia, was repeated almost exactly. At 46 polling stations that were specially prepared for those voters, the voting process was extremely poorly organised. The crowds were so large that at times there were dozens of voters at the polling stations, which resulted in the violation of the secrecy of the ballot, and several other irregularities were recorded: non-use of UV lamps and sprays, keeping parallel records, voting on behalf of other voters, and the presence of unauthorised persons. A large number of voters were brought to the polling stations in an organised manner by buses, and there were also cases of people collapsing while waiting in line.

1.3 After election day

CRTA's Observation Mission assesses that the election administration acted according to its legal powers after the election day. However, the sudden and massive change in the election rules and the work of the administration immediately before the elections caused chaos in the processes of protection of electoral rights and announcement of election results. The impression of legal uncertainty and other events that could contribute to mistrust in the election process marked the period after election day. Whether the election process has actually ended has been called into question due to political tensions and the low-quality work of the polling committee at one polling station in Veliki Trnovac, in the municipality of Bujanovac.

The role of the Republic Electoral Commission during the night of the election was unclear, causing a section of the public to mistrust the integrity of the elections and the election results. The REC did not issue the preliminary results of the elections, nor did it inform the public that the pre-election changes to the law had changed how the REC would operate for this election - both concerning the collection of results from the polling stations and the deadlines for the publication of the preliminary results.

Much confusion was caused by the limits on who can complain about violations of electoral rights so that it now only consists of electoral actors and those voters whose rights have directly been violated. A significant number of requests and objections to the voting process were submitted by unauthorised persons. Voters submitted 25 requests for the annulment of voting in the national elections, which is a relatively small number compared to the total number of submitted legal remedies for the protection of the right to vote. No legal remedy submitted by the voters was adopted.

A total of 164 requests for annulment of voting were submitted in national elections. The largest number of submitted objections rejected by the REC related to the issue of correcting "slight errors" by local election commissions, which the complainants interpreted as falsification of voting results. The electoral administration, as well as the Administrative Court, indicated that there was no deviation from the legal powers introduced by the changes to the electoral laws before the elections.

No decisions were made on the objections submitted by the observers to the minutes of the polling committee, except in one case when their objections were dismissed as unfounded.

A case of different interpretations of the regulations on the protection of the right to vote in the national elections between the local election commission and the Republic Electoral Commission was observed. This led to different actions being taken in practice by these two levels of administration.

The City Election Commission of the City of Belgrade received hundreds of objections, which is why it did not discuss or decide on the majority of them in a timely manner. This inaction was due to the sheer number of objections, the fact that most of them were similar complaints, as well as the fact that failure to decide on an objection within the deadline is not sanctioned by law. The dynamics of CEC's work and decision-making were burdened to a significant extent by the proposals of various politically motivated qualifications by its members and deputy members. On the other hand, according to the sample, the control of the records of the work of the electoral commissions proceeded following the law and with the participation of most members and deputy members who were elected on the proposal of both the opposition and the ruling majority in the city of Belgrade.

Voting in the national elections was re-done on 16 April, at 54 polling stations for the parliamentary and 35 polling stations for the presidential elections. Parliamentary elections were repeated four more times in Veliko Trnovac, on 28 April, 27 May, 23 June, and 30 June. In the Belgrade elections, voting was repeated on 16 April at four polling stations and on April 21 at two polling stations.

The Republic Electoral Commission announced the results of the presidential elections on 9 May, when the City Election Commission also announced the results of the Belgrade elections. The results of the parliamentary elections were only announced on 5 July, 2022.

1.4 CRTA's recommendations

CRTA advocated for the implementation of 20 recommendations for fair and free elections, i.e. 89 concrete measures, before the elections were announced.

After the elections, the analysis of the fulfilment of the 20 Charter recommendations for fair and free elections shows that about 40 percent of the proposed measures have been partially or completely fulfilled. However, this was not enough to mark even one of the recommendations as fully fulfilled.

In addition to the lack of a system to create better election conditions, as during the 2020 elections the recommendations that increase the transparency of the election process, as well as the capacity and efficiency of the election administration, were primarily fulfilled. The areas where not enough has been done to improve electoral conditions concern the recommendations that would further prevent abuse of public resources, ensure equality of participants and equal media representation, and ensure legal certainty and protection of electoral rights.

CRTA continues to advocate for the fulfilment of its 20 recommendations, i.e. for a total of 88 measures, of which 54 were repeated from previous cycles, while 34 measures were created after these elections.