



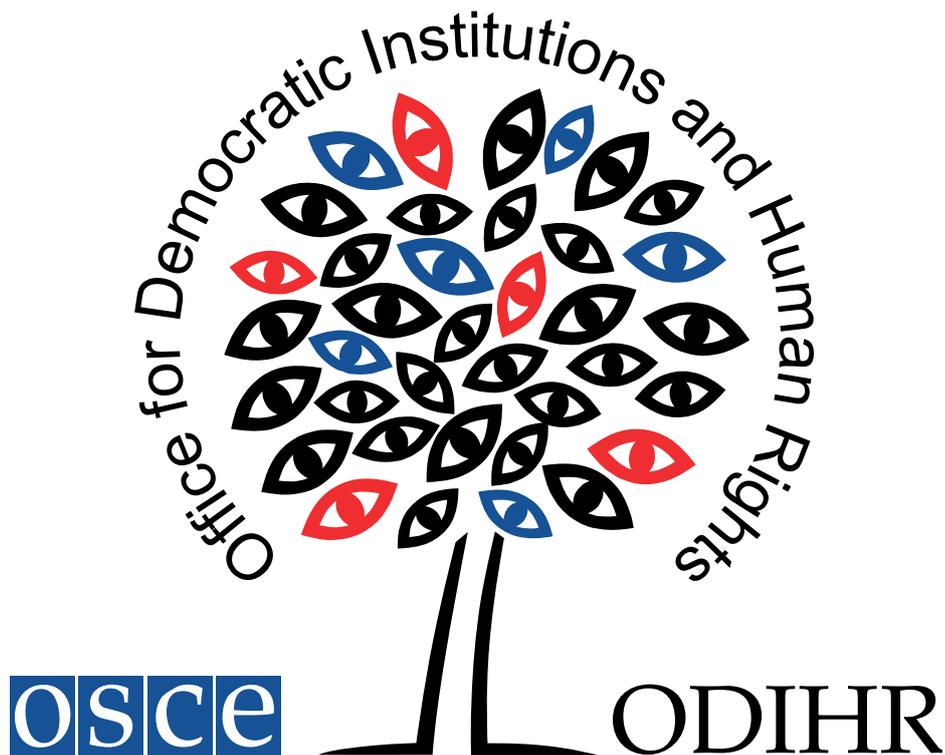
Office for Democratic Institutions and Human Rights

REPUBLIC OF SERBIA

PRESIDENTIAL ELECTION

2 April 2017

OSCE/ODIHR Election Assessment Mission Final Report



Warsaw
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TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION AND ACKNOWLEDGEMENTS.....	3
III.	BACKGROUND.....	3
IV.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM	4
V.	ELECTION ADMINISTRATION.....	4
VI.	VOTER REGISTRATION.....	6
VII.	CANDIDATE REGISTRATION.....	7
VIII.	ELECTION CAMPAIGN.....	7
IX.	PARTY AND CAMPAIGN FINANCE	9
X.	MEDIA	10
	A. MEDIA ENVIRONMENT	10
	B. LEGAL FRAMEWORK	11
	C. COVERAGE OF THE CAMPAIGN AND OVERSIGHT	12
XI.	PARTICIPATION OF NATIONAL MINORITIES.....	13
XII.	CITIZEN AND INTERNATIONAL OBSERVATION.....	13
XIII.	COMPLAINTS AND APPEALS	14
XIV.	ELECTION DAY	15
XV.	RECOMMENDATIONS	16
	A. PRIORITY RECOMMENDATIONS	16
	B. OTHER RECOMMENDATIONS	17
	ANNEX: FINAL ELECTION RESULTS.....	19
	ABOUT THE OSCE/ODIHR.....	20

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I. EXECUTIVE SUMMARY

Following an invitation from the authorities of the Republic of Serbia to observe the 2 April presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) on 21 March. The OSCE/ODIHR EAM remained in Serbia until 6 April and assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections as well as with domestic legislation.

The presidential election provided voters with a genuine choice of contestants, who were able to campaign freely. However, the campaign was dominated by the candidate from the governing coalition, and concurrent prime minister, who benefited from the effectively blurred distinction between campaign and official activities. Unbalanced media coverage and credible allegations of pressure on voters and employees of state-affiliated structures and a misuse of administrative resources tilted the playing field. Regulatory and oversight mechanisms were not effectively utilized to safeguard the fairness of competition.

While the legal framework is conducive to the conduct of democratic elections, it does not comprehensively cover all fundamental aspects of the process, with certain areas left under-regulated or poorly regulated. Long-standing OSCE/ODIHR recommendations calling for a comprehensive review of the legislation to address existing shortcomings remain to be implemented.

The election administration met all legal deadlines despite short timeframes. The prevalence of representatives of the governing coalition in the permanent composition of the Republic Electoral Commission (REC) resulted in concerns of a lack of impartiality by several OSCE/ODIHR EAM interlocutors. The REC's extended composition provided for a more balanced representation, albeit only for a short period before and after the election. The role of Working Bodies (WBs) at the municipal level, in particular with regard to processing results protocols, is not clearly defined, challenging the comprehensiveness and transparency of the regulations.

Although mechanisms are in place for the unified voter register to be continuously updated as part of a passive voter registration system, various stakeholders expressed concerns that voter lists remain inaccurate. The lack of a possibility for public scrutiny over voter lists contributes to a continued lack of trust and challenges the transparency of the process.

Despite cumbersome requirements for support signature collection and certification by notaries, 11 candidates were registered by the REC in an inclusive process. There were no women candidates.

Constrained by limited financial resources, the campaigns of opposition candidates did not match in scope and intensity with that of the candidate from the governing coalition. The campaign discourse was tainted by strong personalized accusations between candidates and the use of smear tactics.

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

Despite some positive changes introduced in the legal framework, regulation and oversight of party and campaign finance stand to be further improved in line with previous OSCE/ODIHR recommendations. In particular, the absence of reporting before election day, of deadlines for the publication of financial reports, and of a requirement for the oversight body, the Anti-Corruption Agency (ACA), to publish its conclusions detract from effective control over campaign finances. During the campaign, the ACA generally fulfilled its monitoring duties, but demonstrated reluctance to utilize fully its investigative powers. Some stakeholders criticised this as a lack of political will and managerial leadership within the ACA to act on allegations on non-transparent activities concerning campaign spending.

The media landscape comprises numerous outlets and enabled contestants to convey messages to the electorate. Public broadcasters met their legal obligation to provide free airtime to the contestants. However, the overall climate of undue political and economic influence continued to challenge editorial freedom and independence. As a result, the environment was marked by widespread self-censorship and limited analytical and critical reporting, reducing voter access to impartial editorial information. The national media oversight body failed to exercise its legal powers to monitor the political content of the broadcast media and thus did not act to prevent unbalanced coverage documented by various civil society organizations.

Issues of relevance to women were explicitly addressed in the campaigns of several candidates, including through special events and dedicated sections in programmes and on campaign websites. Nearly half of the REC's extended composition were women.

Some 17 per cent of the population belong to national minorities. To facilitate their participation, the REC produced ballots in minority languages with several multilingual combinations. However, only two candidates directly appealed to and raised issues of relevance to national minorities in their campaigns. Allegations of pressure and attempted coercion of minority voters, including through the distribution of material goods as well as promises of free services, were noted as a concern by some stakeholders.

Despite previous OSCE/ODIHR recommendations, the law does not create a legal basis for citizen and international election observation. Activities of observers were regulated by an REC instruction. Two citizen observer groups nevertheless undertook sizeable observation efforts.

The law prescribes limited channels for effective legal redress in cases of electoral violations, contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document. There is an absence of provisions for lodging complaints with PBs, short deadlines for submitting and reviewing complaints, and the lack of a possibility to effectively challenge REC instructions. In addition, at odds with international principles on due process, the review of electoral disputes by the REC and the Administrative Court takes place without the parties concerned.

In accordance with standard practice for EAMs, the OSCE/ODIHR EAM did not observe election day proceedings in a systematic or comprehensive manner, but visited a limited number of polling stations on election day. Opening, voting and counting processes observed were overall efficient and orderly. Despite the availability of new voting screens, observations noted that the secrecy of the vote was not adequately safeguarded. In the absence of detailed instructions on the conduct of counts and the processing of protocols at municipalities, various approaches were observed.

Following complaints of election-day irregularities, the results of elections in 11 polling stations were annulled, with repeat voting taking place on 11 and 18 April. Final election results were announced by the REC on 20 April.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the authorities of the Republic of Serbia to observe the 2 April 2017 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) from 21 March to 6 April.² The OSCE/ODIHR EAM was led by Ambassador Alexandre Keltchewsky and consisted of six experts from six OSCE participating States. The EAM was based in Belgrade and visited the municipalities of Čukarica, Kovačica, Lazarevac, Mediana, Niš, Novi Sad, and Stara Pazova.

The electoral process was assessed for compliance with OSCE commitments and other international obligations standards for democratic elections as well as with domestic legislation. In line with the OSCE/ODIHR's methodology for EAMs, the mission did not observe election day proceedings in a systematic or comprehensive manner, but visited a limited number of polling stations. The OSCE/ODIHR EAM also followed the handover of election materials and the processing of protocols at municipalities, as well as post-election day processes at the Republic Electoral Commission (REC).

The OSCE/ODIHR EAM wishes to thank the Ministry of Foreign Affairs, including its Permanent Mission to the OSCE and other international organizations in Vienna, and the REC for their co-operation and assistance, as well as to express gratitude to representatives of other state and municipal institutions, political parties, candidates, media, civil society, diplomatic community, and other interlocutors for sharing their views.

III. BACKGROUND

After a five-year term, the mandate of the outgoing president expired on 31 May. Following the discussions within the governing Serbian Progressive Party (SNS) regarding the most appropriate candidate, President Tomislav Nikolić stated that he would not seek re-election. Prime Minister Aleksandar Vučić announced his intention to stand as a candidate and to remain in his current position throughout the electoral period.

On 2 March, the Speaker of the parliament called the presidential election for 2 April, leaving the authorities and other stakeholders one month for preparations. In a step criticized by a number of stakeholders as politically motivated and depriving the opposition of an important venue for political dialogue and action, the Speaker suspended the work of the parliament until the end of the presidential election. Given the role accorded to the parliament by the legal framework, this suspension, which was neither based on any legal provision nor had precedent during previous elections, had several further consequences. The parliament was not in session to establish the supervisory board, which is designated by the legislation as a general oversight body for activities of political parties, candidates and mass media during elections, to complete the process of appointing the leadership of the Anti-Corruption Agency (ACA), and to release potential candidate, Saša Janković, from his position as ombudsperson by electing his successor after his timely resignation.³

This election was held less than one year after the last cycle of elections. Following a landslide victory during the 24 April 2016 early parliamentary, local and provincial elections, the SNS dominates the parliament and government and also rules with a substantive majority in the Autonomous Province of Vojvodina and in all major cities and municipalities. In its report on the 2016 elections, the

² See all previous [OSCE/ODIHR reports on Serbia](#).

³ This board has only been established once, in 2000.

OSCE/ODIHR Limited Election Observation Mission concluded that while fundamental freedoms were respected, biased media coverage, undue advantage of incumbency and a blurring of distinction between state and party activities unlevelled the playing field for contestants.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for presidential elections primarily comprises the 2006 Constitution, the 2004 Law on the Election of the President (LEP), and the 2000 Law on the Election of Representatives (LER).⁴ Other acts regulating the conduct of presidential elections include the 2009 Law on the Unified Voters' Register (LUVR), the 2011 Law on Financing of Political Activities (LFPA), and the 2016 Law on Public Gatherings as well as REC rules and instructions.

While the legal framework is conducive to holding democratic elections, it does not comprehensively cover all fundamental aspects of the electoral process, with certain areas left under-regulated or poorly regulated. Major shortcomings include unclear rules for candidate registration, election administration, campaigning and inadequate regulation of campaign finance and electoral dispute resolution. Long-standing OSCE/ODIHR recommendations calling for a comprehensive review of the legislation to address these shortcomings remain to be implemented.

The electoral legal framework should be subject to a comprehensive and inclusive review to regulate all essential aspects, address gaps and loopholes, and empower institutions to implement necessary control and oversight over the electoral process.

The president is elected by popular vote for a five-year term. The same person may not serve as president for more than a total of two terms. In case no candidate receives more than 50 per cent of the votes cast in the first round, a second round takes place within 15 days between the two candidates who won the most votes.

V. ELECTION ADMINISTRATION

The election was administered by the REC and 8,396 Polling Boards (PBs).⁵ The REC is composed of a chairperson and 16 members and the same number of deputies appointed by political parties represented in the parliament in proportion to the number of seats held.⁶ The REC has two non-voting members – a secretary and a representative of the National Statistical Office (NSO). During an election, each registered candidate has the right to appoint a representative to serve as an extended REC member with the same rights and duties as permanent members. Out of 28 members in the extended format, 13 were women. Positively, the REC provided gender-disaggregated data on the composition of PBs for this election.⁷

⁴ While the LEP regulates specific aspects of presidential elections, all general provisions for the conduct of presidential and parliamentary elections, including on the composition and functioning of election commissions, voter lists, voting procedures, and the establishment of results, are stipulated in the LER.

⁵ Including 90 PBs in Kosovo, 29 in penitentiary institutions, and 53 for out-of-country voting.

⁶ The SNS – 7 members, Socialist Party of Serbia – 2 members, Serbian Radical Party, Enough is Enough Movement, Democratic Party, Social Democratic Party of Serbia, Party of United Pensioners of Serbia, Democratic Party of Serbia, Social Democratic Party, and Alliance of Vojvodina Hungarians – 1 member each.

⁷ Women accounted for 31 and 37 per cent of permanent and extended compositions of PBs respectively. No gender-disaggregated data on the composition of Working Bodies was provided.

In addition, 161 Working Bodies (WBs) of the REC were established in municipalities to facilitate the work and communication between the REC and PBs. WB members were nominated by parties in the parliament and appointed by the REC.⁸ Although WBs are not considered to be part of the election administration, in practice, they carry out a number of important activities, which commonly fall within the purview of election management bodies.⁹

Consideration could be given to amending the law to formally create an intermediate level of electoral administration and clearly delineate tasks and responsibilities of the different levels.

PBs include a chairperson, two members and their deputies. All candidates have the right to nominate one representative as an extended member.

Despite the short period between the call of the election and election day, the REC met all legal deadlines. It issued several regulations on the conduct of the election and the work of the REC and PBs, including specific regulations pertaining to the voting process in Kosovo.¹⁰ However, most provisions in regulations issued were ambiguous and left space for different interpretations.

Some key regulations were adopted by the REC early in the electoral process in its permanent composition. The prevalence of representatives of the governing coalition in the REC's permanent composition resulted in concerns of a lack of impartiality by several OSCE/ODIHR EAM interlocutors.¹¹ The REC's extended composition provided for a more balanced representation, but only for a short period after the additional members were appointed by the registered candidates.¹² Many decisions taken by the REC in its extended composition were adopted after intense discussions and confrontations among the members, especially those related to the voting process in Kosovo.

WBs delivered training for PB members that consisted predominantly of presentations on how results protocols are to be filled out and some general information about election day proceedings. A more comprehensive and structured training programme on various stages of election day activities was not implemented. Training materials consisted of REC rules for PB members and a sample of the results protocol. The OSCE/ODIHR EAM was informed by the REC that all PB members, including the extended composition, would participate in training. However, according to WBs, although an invitation to participate was extended to all PB members, mostly only chairpersons and a couple of other members participated.¹³

The election administration could consider implementing comprehensive training covering all stages of election day procedures in a standardized and more effective format for all PB members.

⁸ No party or coalition can hold more than half of the seats in WBs.

⁹ WBs are tasked with training PB members, delivery and collection of election materials and, as observed by the OSCE/ODIHR EAM, facilitate jointly with the NSO representatives in processing and entering data from results protocols in municipalities (see *Election Day* section).

¹⁰ All reference to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to its status.

¹¹ In its permanent composition, 12 out of 17 REC members represent the governing coalition.

¹² The REC operated in its full extended composition only for some 20 days before the election and during the post-election period.

¹³ Paragraph II.3.1.84 of the [2002 Code of Good Practice in Electoral Matters](#) (Code of Good Practice) of the European Commission for Democracy through Law (Venice Commission) recommends that "members of electoral commissions have to receive standardised training at all levels of the election administration. Such training should also be made available to the members of commissions appointed by political parties".

VI. VOTER REGISTRATION

Citizens over the age of 18 years have the right to vote except those declared legally incapable by a court. As pointed out in previous OSCE/ODIHR reports, this general provision constitutes a disproportionate restriction at odds with OSCE commitments and international standards.¹⁴

Consideration should be given to removing the blanket restriction on voting rights of persons declared legally incapable and to provide for the decision on each case based on the specific circumstances.

Voter registration is passive with the Ministry of Public Administration and Local Self-Government (MPA) maintaining the Unified Voter Register (UVR). The UVR is continuously updated upon voters' requests as well as based on municipal records and input from the Ministry of Interior and other relevant institutions. Special voter lists are compiled for voters in prisons and detention centres, voters abroad, and military voters.

Voters have the right to request inclusion in the voter list at their temporary place of stay, with temporary exclusion from the original lists.¹⁵ Internally displaced persons vote at their place of temporary residence, but have to reconfirm their registration every two years.

Various stakeholders considered voter lists inaccurate and problematic. There are persistent reports that deceased voters remain included in voter lists and that significant numbers of voters residing abroad remain registered at previous addresses and thus sent voter information cards. In addition, voter lists are organized by address, making it difficult for PB members to manage and to identify voters on election day.

Concerted efforts are required to address persistent issues with voter list accuracy. Consideration could be given to re-organizing voter lists in a more practical manner.

Voters can check their personal data on the MPA website and, upon request, at municipalities. Despite provisions in the LUVR, voter lists are not displayed for scrutiny based on the Law on Personal Data Protection prohibiting the public display of personal data without the person's consent. The lack of possible public scrutiny contributes to a continued lack of trust in the accuracy of voter lists and challenges transparency.¹⁶

To enhance public trust in the quality of the voter register, consideration could be given to publishing partial data from voter lists for public scrutiny in line with the law and international good practice.

Based on data provided by the MPA, the REC announced 6,724,949 voters were on voter lists for this election, including 11,519 registered abroad.

¹⁴ Article 29 of the 2006 Convention on the Rights of Persons with Disabilities requires states to "guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others". Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will guarantee universal and equal suffrage to adult citizens and paragraph 24 provides that restrictions on rights and freedoms must be strictly proportionate to the aim of the law. See also Paragraph 14 of the 1996 United Nations Human Rights Committee General Comment No. 25 to the International Covenant on Civil and Political Rights and the judgment of the European Court of Human Rights, *Alajos Kiss v. Hungary*.

¹⁵ According to the MPA, registration at the place of temporary stay is automatically deleted after 30 days.

¹⁶ Paragraph I.1.2.iii of the Code of Good Practice provides that "electoral registers must be published".

VII. CANDIDATE REGISTRATION

Under the LEP, every citizen eligible to vote and with legal capacity has the right to stand for election. Political parties, coalitions, and groups of citizens can nominate candidates. Candidate registration starts on the day when the election is called and lasts until 20 days before election day. For this election, the registration period lasted only 10 days. Registration procedures required candidates to submit signatures of 10,000 voters. Each voter can support only one candidate. As in previous OSCE/ODIHR reports, this can be seen as restricting political pluralism and may stigmatize supporters of prospective candidates.¹⁷

To make candidate registration process more inclusive, consideration may be given to lifting the restriction for voters to support only one potential candidate.

In a measure applied for the first time during this election, the REC regulation on candidate registration required support signatures to be certified by a notary office.¹⁸ Despite the short period left for signature collection and the enormous efforts associated with certification, prospective candidates were able to successfully submit their documentation for registration by the legal deadline. Signatures were verified by the REC and the MPA against the UVR.

In total, 12 candidates submitted applications for registration and 11 candidates were registered.¹⁹ The ballot order of candidates was determined by lottery on 17 March. Having been nominated by nine political parties, Mr. Vučić was allocated considerably more space on the ballot than any other candidate. This augmented his prominence on the ballot, challenging the equal presentation of contestants.

VIII. ELECTION CAMPAIGN

The official campaign started with the announcement of the election and ended two days before election day. Candidates were able to campaign freely, without major reports of obstruction to their activities.

Due to differences in ideological and personal views, opposition parties stood fragmented, having put forward individual candidates. Mr. Vučić appealed to different segments of the electorate by advocating for both pragmatic pro-European Union integration policies and continued traditionally close ties with the Russian Federation, emphasizing the need to focus on reforms and economic progress rather than the country's past. The other campaigns focused on the rule of law and civil rights, fight against corruption, unemployment, economic situation, and the status of Kosovo. The candidate and a comedian, Luka Maksimović, appealed to young and protest voters, mocking the country's political system throughout his campaign.

¹⁷ Paragraph 77 of the [2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that in order to enhance pluralism and freedom of association, legislation should not limit citizens to signing a supporting list for only one party or candidate.

¹⁸ In municipalities with no notaries present, courts and municipalities are entitled to conduct the certification.

¹⁹ One candidate was denied registration due to incomplete documentation and the decision was not challenged.

Several candidates explicitly addressed issues of relevance to women, including through dedicated sections in programmes, campaign websites, and special events.²⁰ Reference to persons with disabilities was made in the programme of only one candidate.²¹

Mr. Vučić dominated the campaign with a massive use of posters, billboards, media advertising and mass gatherings throughout the country. Constrained by limited financial resources, the campaigns of other candidates did not match in either scope or intensity. . Most opposition candidates relied on small-scale gatherings, neighbourhood campaigning, and Internet spots. From the beginning, the campaign featured strong personalized accusations between candidates and the use of smear tactics.

Throughout the campaign, the OSCE/ODIHR EAM received reports of undue practices that tilted the playing field. Particularly widespread, and corroborated by some OSCE/ODIHR EAM interlocutors, were reports of pressure on employees of state and state-affiliated institutions to support Mr. Vučić and secure, in a cascade fashion, support from subordinate employees, family members, and friends.²² In addition, the campaigns of Mr. Janković and Mr. Obradović alleged that some of their supporters faced repercussions for their political activities, including dismissals and changes of employment conditions.

Authorities should take decisive action to prevent pressure on voters, including employees of state or state-affiliated institutions. Cases of alleged coercion need to be thoroughly investigated and individuals responsible held accountable.

Equally pervasive were reports of public resources at various levels being used in support of Mr. Vučić, including endorsements and favourable articles in municipal information material and the use of public buses to transport supporters to campaign rallies.²³ Increased activity of state officials in connection with numerous social projects, in particular in the run up to the election, raised questions as to their neutrality and contributed to the blurring of official and campaign activities at odds with OSCE commitments and international good practice.²⁴

²⁰ Among others, campaign websites of Mr. Vučić, Mr. Janković, Mr. Jeremić, and Mr. Obradović addressed issues of relevance to women voters. The campaign of Mr. Vučić included a large-scale event in Belgrade, dedicated predominantly to the role of women in the society.

²¹ Mr. Janković addressed the issue of missing care for physically and mentally disabled war veterans.

²² According to a number of sources, photographs of completed ballots were to serve as evidence. On election day, the OSCE/ODIHR EAM observed several instances of voters taking photos of their ballots despite an explicit prohibition to use mobile phones, cameras and video cameras in polling stations. Paragraph 7.4 of the 1990 Copenhagen Document requires that votes be cast by secret ballot or by equivalent free voting procedure.

²³ For instance, a magazine published by the municipality of Savski Venac and distributed free-of-charge to all households during the campaign featured material about and a cover-page photo of Mr. Vučić. The official website of the municipality of Sombor carried an appeal to all citizens to vote for Mr. Vučić. Transportation of supporters to a large campaign event of Mr. Vučić at the Belgrade sport arena and to other rallies across the country were reported to have been carried out to some extent by busses from state-owned and municipal transport companies.

²⁴ In the last two working days before the election, at least 20 public events involving ministers and state secretaries were held to open roads, schools, elderly homes, and new companies. Nine of these events took place on the first day of the election silence period. Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for “a clear separation between State and political parties.” Paragraph I.2.3 of the Code of Good Practice states that “Equality of opportunity must be guaranteed for parties and candidates alike. This entails a neutral attitude by state authorities, in particular with regard to: i. the election campaign; ii. coverage by the media, in particular by the publicly owned media; iii. public funding of parties and campaigns.” See also the [2016 OSCE/ODIHR and Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

To guarantee a level playing field among contestants, the separation between party and state activities needs to be strictly abided by.

IX. PARTY AND CAMPAIGN FINANCE

The financing of political parties and election campaigns is regulated by the LFPA. The 2014 amendments to the LFPA were overall assessed positively by the Council of Europe's Group of States against corruption (GRECO), as well as by the European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR as a step towards a more detailed and comprehensive legal framework.²⁵ However, the OSCE/ODIHR Final Report on the 2016 parliamentary elections recalled that previous recommendations to establish an expenditure ceiling, lower donation limits, provide for the submission of reports before election day, shorten the deadlines for the submission of financial reports, introduce a short deadline for their publication as well as to stipulate proportionate and dissuasive sanctions remained unimplemented. These recommendations remain valid.

Party and campaign finance provisions stand to be further improved in line with previous OSCE/ODIHR recommendations with a view to tighten regulation and enhance transparency.

Candidates can finance their campaigns from private donations and are provided with state funding amounting to 29 million RSD each (approximately 237,000 EUR).²⁶ Candidates nominated by parties may also receive and spend funds designated for parties' parliamentary work. There is an annual limit for private donors, but no overall limit on the amount collected or spent by parties or candidates.²⁷ Donations from non-governmental organizations, trade unions, religious communities as well as state and foreign institutions are not allowed. Candidates are required to submit reports on funds raised and spent to the ACA within 30 days after the announcement of final results.

The oversight of campaign finance by the ACA is insufficient, both in law and in practice. The absence of a deadline for the ACA to publish financial reports and the lack of an obligation to publish its conclusions detract from the objective of providing effective control.

During the campaign, the ACA generally fulfilled its monitoring duties, but demonstrated reluctance to utilize fully its investigative powers. Some stakeholders criticised this as a lack of political will and managerial leadership within the ACA to act on allegations on non-transparent activities.²⁸

For this election, the ACA decreased considerably the number of mobile monitors to pro-actively collect and assess finance-related information. Despite allegations of misusing public buses during campaign events, monitors were reportedly not tasked to assess whether buses indeed belonged to

²⁵ See [GRECO Second Compliance Report on Serbia, Third Evaluation Round](#), 16 October 2014, and the [2014 OSCE/ODIHR and Venice Commission Joint Opinion on Draft Amendments to the LFPA](#).

²⁶ In its [2015 National Integrity System Assessment](#), Transparency Serbia pointed out that opposition parties have difficulties identifying private companies willing to donate, contributing to the imbalance between opposition and ruling parties in elections.

²⁷ A private person can donate up to 20 average monthly salaries, while private companies can donate up to 200 monthly salaries in a non-election year. In an election year, the maximum amount is doubled.

²⁸ According to [Transparency Serbia](#), the ACA's ability to operate free from political influence is limited because of its weakened top management. It also criticises the position taken by the ACA with regards to the use of official cars by senior state officials during the campaign, whereas an exception applicable to state officials, whose functions are associated with security risks, was extended to apply to all senior officials.

public companies, but to merely establish the number of buses.²⁹ Of concern to civil society organisations was also the ACA approach with regard to questionable sources of private donations where it would only verify that the donor exists, but neither had a mandate nor resources to further investigate.³⁰

The ACA should exercise its mandate fully by proactively monitoring and investigating any potential non-transparent activities of contestants in the context of elections.

X. MEDIA

A. MEDIA ENVIRONMENT

The media landscape comprises numerous media outlets, including some 450 television and radio channels as well as over 800 print media. In 2016, two-thirds of households had access to the Internet. Yet, television remains the most influential media, including the two most popular channels with national coverage, the public *Radio Television of Serbia (RTS)* and private *Pink*.³¹ The regional cable channel *NI* is available in approximately half of the country and is broadly perceived as the only independent channel.

Newspaper readership has fallen significantly in recent years. *Informer*, *Kurir*, *Blic* and *Večernje Novosti* dominate the daily newspapers. Social networks, in particular Facebook, and a plethora of other online media are increasingly important, including platforms for civil society projects and independent reporting.

However, the abundance of media has over recent years been offset by an alarming trend of gradually reducing the media to an instrument at the disposal of political elites. In its 2015 report, the ACA concluded that “most commonly media content is not the result of free, objective and investigative reporting” and that “most media do not work for the benefit of better informing citizens due to their financial dependence and connections with political and economy elite and centers of power.”³² This assessment was widely shared by OSCE/ODIHR EAM interlocutors.

In its 2016 Report, the European Commission pointed out that the country has not achieved any progress in the area of freedom of expression and that “the overall environment is not conducive to the full exercise of this right”. In addition, it called for strengthened independence of the Regulatory Authority of Electronic Media (REM) and stated that “co-financing of media content to meet public interest obligations needs to be fully implemented in line with the legislative framework, using transparent and fair procedures, and without interference by the state administration, especially at local level”.³³

Comprehensive steps should be taken to strengthen the financial and editorial independence of public broadcasters. Adequate funding mechanisms could be considered to reduce dependency on the state

²⁹ According to the ACA, the number of buses was to be compared later with the submitted financial reports. Investigation of origins was not envisaged and was explained by the ACA by the limitations of its mandate. Article 12 of the LFPA explicitly prohibits campaign contributions from public enterprises.

³⁰ Civil society organizations Media and Reform Centre, National Coalition for Decentralization and *Juzne Vesti* in Niš alleged that many private donors are not in the financial condition to donate and instead “launder” the money from unknown sources.

³¹ There is also a provincial public *Radio Television of Vojvodina*, operating independently of *RTS*.

³² The 2015 ACA [Report on Ownership Structure and Control over Media in Serbia](#).

³³ The European Commission, [Serbia 2016 Report](#).

budget. Media laws should be fully implemented to ensure greater transparency in media ownership and funding.

The OSCE Representative on Freedom of the Media (RFoM) on several occasions condemned violence, intimidation and other incidents, including death threats, directed at media professionals.³⁴ Similarly, OSCE/ODIHR EAM interlocutors noted an atmosphere of fear, widespread self-censorship and a trend towards tabloidization, resulting in an overall lack of critical reporting. Interlocutors attributed this to continued political pressure, including from the Prime Minister and his allies, who reportedly exert pressure on journalists and civil society organizations perceived as critical of the government.³⁵ Such attacks, according to OSCE/ODIHR EAM interlocutors, are regularly amplified by several media outlets, in particular, *Informer* and *Srpski Telegraf*. In addition, a decreased level of international support and a heavy dependency of the media on public advertising further negatively impact the economic conditions and the sustainability of the media environment.

Authorities should refrain from interference in the activities of media and journalists, who should be able to operate free from intimidation or pressure, administrative actions or other types of undue influence.

B. LEGAL FRAMEWORK

The LER is the main legal basis for media conduct during election campaigns. It stipulates basic principles, including an obligation for the media to ensure equal reporting about all contestants and the right of citizens to be informed about electoral programmes and activities of contestants. The 2014 Law on Electronic Media (LEM) obliges media to provide free, honest, objective, complete, and timely information. In addition, the 2014 Law on Public Service Broadcasting (LPSB) reiterates coverage-related obligations, and requires media to facilitate the free expression of opinions and to advance the public dialogue.

The LPSB also obliges the public broadcaster to provide registered candidates with free airtime. *RTS* complied with its legal obligations, allocating each contestant 50 minutes of primetime coverage of varied formats, based on contestant preferences. This airtime was, however, offered on channel *RTS2*, which has a significantly lower audience share than *RTS1*.³⁶ While the public broadcaster also complied with its obligation to ensure access of contestants to political advertising without discrimination, Mr. Janković complained about the prohibitive costs of paid advertisements that limited his campaign on television.³⁷

In disregard of an explicit legal requirement and as in previous elections, a supervisory board, which, according to the LER, holds responsibility for overseeing media campaign coverage, was not appointed by the parliament for this election. In its absence, the REM remained the sole authority to oversee the activities of broadcasters. The legislation does not give the REM any explicit election-related powers, nor does it provide specific mechanisms or timeframes for the REM to exercise its

³⁴ See OSCE RFoM press releases from [20 June](#) and [16 September](#) 2016, as well as from [5 January](#) 2017.

³⁵ From July to December 2016, the SNS organized a campaign which included examples of media reporting critically of the government, including articles with names of journalists, which were displayed widely in public places in Belgrade, Kruševac, and Subotica.

³⁶ Eight candidates also participated individually in other *RTS1* programmes - Mr. Janković, Mr. Jeremić, Mr. Šešelj and Mr. Vučić in separate *Oko* magazine programmes and Mr. Obradović, Mr. Radulović, Mr. Čanak and Mr. Popović one after another in one *Yes, Maybe No* talkshow.

³⁷ The price of non-election advertisement on *RTS1* amounted to RSD 8,000-11,500 per second in primetime (approximately EUR 65-95), while election-related advertisements costed RSD 16,000-23,000 (approximately EUR 130-190).

functions during an election campaign. Nevertheless, under the LEM, the REM is vested with general responsibility to control the operations of media service providers, to ensure consistent application of the law, and to decide on complaints in connection with their programming activities, including the imposition of measures in cases of violations.

However, the REM interpreted the existing legal framework narrowly, in a formalistic manner, as not entitling it to exercise full authority during an election campaign.³⁸ In a decision criticized by civil society organizations, the REM decided not to conduct comprehensive media monitoring and only analyzed compliance with rules for paid political advertisements.³⁹ A number of OSCE/ODIHR EAM interlocutors expressed concerns with regard to the REM membership, underlying reluctance of the ruling coalition to support civil society nominations, leading to general lack of the regulator's independence.

Oversight by the REM should be explicitly extended to all aspects of media coverage of elections. The REM could take a more pro-active approach in the performance of its duties, including through timely action based on findings of systematic media monitoring. Amendments to the LEM could be considered to provide for more effective sanctions, including expedited timely remedies during the election campaign.

C. COVERAGE OF THE CAMPAIGN AND OVERSIGHT

The campaign was covered through various formats, including free airtime, special sections in newscasts, and paid spots. At the same time, analytical and critical coverage was virtually absent. Overall, campaign coverage by most media was partisan, dominated by activities of the ruling authorities, in particular the prime minister.

Mr. Vučić chose, as was his right, not to participate in televised candidate debates. However, this deprived other candidates of an opportunity to engage on the basis of equal conditions, in open and direct discussions with Mr. Vučić. This, compounded by the general reluctance of media to report critically on or to challenge the governing authorities, significantly reduced the amount of impartial information available to voters.

Media monitoring findings of a number of civil society organizations showed that the activities of Mr. Vučić in his official capacity as the prime minister dominated the coverage on all national channels and leading dailies, with a notable exception of cable *NI* and daily *Danas*.⁴⁰ All private national television channels displayed preferential treatment towards Mr. Vučić in their news programmes, in particular *Pink*, which openly promoted Mr. Vučić. Some channels also aired talk-shows and live coverage of Mr. Vučić's campaign rallies.⁴¹ Other contestants received significantly lower news coverage.

³⁸ This position contradicts the REM's earlier efforts to provide more regulation on media conduct during elections. In 2015, within the existing legal framework, the REM issued a Rulebook on Obligations of Media Service Providers during Election Campaigns to supplement and detail regulations concerning the election period.

³⁹ The REM informed the OSCE/ODIHR EAM that it received 32 complaints related to media conduct during the campaign. Based on two complaints, the REM banned six spots of Mr. Jeremić and one of Mr. Vučić, all due to violations of the Law on Advertising.

⁴⁰ Media monitoring projects were conducted by the Center for Electronic Media, Center for Research, Transparency and Accountability (CRTA), Bureau for Social Research, and Novosadska Novinarska Škola.

⁴¹ On 24 March, various local channels aired the final convention of Mr. Vučić, while on 30 March other local channels re-broadcast a talk-show with Mr. Vučić aired by *Happy TV*.

While reporting on activities of Mr. Vučić, including the openings of or visits to various public events and venues, the media formally distinguished between official activities and those conducted as part of his election campaign. Nevertheless, the frequency and magnitude of this coverage, in combination with similar reporting on the activities of members of the government, blurred the line for viewers between the coverage in connection with the performance of official duties and promotion of Mr. Vučić's candidacy.

Media, especially the public broadcaster, should consider adopting self-regulatory measures to ensure fair and impartial editorial policies for campaign coverage, including emphasizing a clear distinction between official activities of candidates and their campaign appearances and to ensure that coverage of governmental activities does not unduly disadvantage other candidates.

XI. PARTICIPATION OF NATIONAL MINORITIES

According to the 2011 census, the country's 20 national minorities amount to some 17 per cent of the population. To facilitate their participation, the REC produced ballots in 11 minority languages with 33 multilingual combinations. A multi-ethnic composition of PBs observed by the OSCE/ODIHR EAM in the minority-populated Banat region of Vojvodina represented a positive practice conducive to enhancing minority participation.

The positive example of establishing PBs with equitable representation of national minorities could be replicated as good practice in other regions with significant minority populations.

While no national minority candidate stood in this election, the candidacy of Mr. Vučić was supported by the Alliance of Vojvodina Hungarians. Mr. Vučić and Mr. Janković were the only candidates to directly appeal to and raise issues of relevance to national minorities in their campaigns.

As in previous elections, allegations of pressure on voters from minority communities remained a concern. Reported attempts of coercion of the Slovak minority in the municipality of Kovačica to support the governing coalition received public attention.⁴² Similarly, the Roma community remained vulnerable to pressure and manipulation, with reported cases of vote-buying through the distribution of food and hygienic packages as well as promises of free medical treatment and of organized transport on election day. Concerns were also raised by some OSCE/ODIHR EAM interlocutors with the continued lack of a possibility for the majority of Roma women to cast their vote independently due to traditional family rules.

XII. CITIZEN AND INTERNATIONAL OBSERVATION

Despite previous recommendations and contrary to paragraph 8 of the 1990 OSCE Copenhagen Document, the law continues to lack provisions for citizen and international election observation.⁴³ However, according to an instruction issued by the REC, observers are allowed to observe the work of the election administration and WBs as well as all election activities without restrictions. Citizen observers informed the OSCE/ODIHR EAM that, in practice, their observation rights were informally

⁴² A former member of the Slovak government and an honorary citizen of Kovačica expressed criticism towards such practices in a [public statement](#).

⁴³ Paragraph 8 of the 1990 OSCE Copenhagen Document provides that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place". See also paragraph II.3.2 of the Code of Good Practice.

clarified by the REC as extending only to REC sessions and to the work of PBs on election day, without a possibility to observe other activities such as training and data entry and processing of results protocols at municipalities.

As previously recommended, the legislation should be amended to explicitly provide for the presence of both citizen and international observers in line with the OSCE commitments. It should unambiguously provide for observers access to all stages of the electoral process and clearly define their rights and obligations.

The REC accredited 126 international observers, including visiting election commissions and observers from diplomatic missions, and 1,955 citizen observers. The largest citizen observation efforts were undertaken by CRTA and the Center for Free Elections and Democracy (CeSID).

XIII. COMPLAINTS AND APPEALS

The law prescribes limited channels for effective legal redress in cases of electoral violations, challenging paragraph 5.10 of the Copenhagen Document.⁴⁴ The law does not provide for complaints to be filed with PBs. Complaints can be lodged with the REC within 24 hours, and REC decisions can be appealed within 48 hours to the Administrative Court, which has final jurisdiction. In both cases, complaints should be reviewed within 48 hours, periods that may be considered too short in light of international good practice.⁴⁵

The REC reviewed complaints in full session, in a collegial manner, but without the participation of the complainants. Despite constitutional due process guarantees, the Administrative Court adjudicates electoral disputes in closed sessions, without the parties or public attending the hearings.⁴⁶ REC acts can be appealed only to the Constitutional Court. The law, however, does not stipulate an expedited procedure for the review of election-related cases by the Constitutional Court, effectively resulting in an absence of timely judicial oversight over REC instructions.

The law should provide for effective legal redress mechanisms for electoral violations, including a possibility to challenge all REC acts. Legal deadlines to submit and review election-related complaints should be extended in line with international good practice.

During the campaign period, eight complaints were submitted to the REC and seven REC decisions were appealed to the Administrative Court.⁴⁷ After election day, the REC reviewed 49 complaints, most concerning alleged irregularities during voting, counting or tabulation. In eight cases, the REC decided in favor of complainants. In the post-electoral period, the Administrative Court received 24 appeals against REC decisions; it invalidated 5 REC decisions and upheld 19 (see *Election Day* section).

⁴⁴ Paragraph 5.10 of the Copenhagen Document provides that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

⁴⁵ Paragraph II.3.3g of the Code of Good Practice recommends three to five days for lodging and deciding on election-related complaints.

⁴⁶ Paragraph II.3.3h of the Code of Good Practice provides for the applicant’s right to a hearing involving both parties. Article 32 of the Constitution of Serbia prescribes that “everyone shall have the right to a public hearing before an independent and impartial tribunal established by law. [...] The press and the public may be excluded from all or part of the court procedure only in the interests of protecting national security, public order and morals in a democratic society, interests of juveniles or the protection of private life of the parties, in accordance with the law”.

⁴⁷ In all cases, the REC rejected the complaints or dismissed them due to missed deadlines. All REC decisions appealed to the Administrative Court were upheld.

XIV. ELECTION DAY

In line with the OSCE/ODIHR methodology, the mission did not conduct comprehensive and systematic observation of election day proceedings. However, mission members visited a limited number of polling stations. The OSCE/ODIHR EAM also followed the handover of election materials and the processing of protocols in some municipalities as well as post-election day processes at the REC.

In polling stations visited, opening, voting and counting were overall efficient and orderly. During voting, PB members generally followed prescribed procedures. Although new voting screens were procured by the REC to better safeguard the secrecy of the vote, in almost all polling stations visited they did not contribute to enhanced secrecy. An inadequate layout of some polling stations visited and improper assembling of voting screens appeared to be a consequence of imprecise instructions.

Additional efforts should be made by the REC to ensure the secrecy of the vote. This should be explicitly addressed during training, with clear and uniform instructions provided.

The REC operating rules for PB members included some guidance on support to be provided to voters with visual impairments. Positively, for the first time, the REC also established a working group tasked to consider issues related to the participation of persons with disabilities. Given the short period before the election, in practice, there was insufficient time to address these issues comprehensively. Most polling stations visited by the OSCE/ODIHR EAM were not accessible for voters with physical disabilities.

The counting process was carried out overall efficiently, although the absence of detailed instructions on the steps to be followed left space for varied approaches and, at times, an improper sequence in implementing procedures.

Data entry of results protocols was conducted by the NSO at municipalities and subsequently at the REC.⁴⁸ In many cases observed by the OSCE/ODIHR EAM, the reconciliation section of results protocols contained mistakes and were not accepted by the computer system. In absence of detailed procedures on the correction of protocols at the WB level, approaches varied among municipalities.⁴⁹ In some instances, errors were observed being corrected by PB members upon suggestion from the representatives of the NSO and WBs before data entry, without re-opening the election material and additional verification. The OSCE/ODIHR EAM observed that corrected protocols were immediately entered into the system and were not made available to the public.⁵⁰ Positively, although not obliged by the law, the REC published disaggregated results by polling station on its website.

To enhance the transparency and trust in the electoral process, the law should provide for the publication of elections results by polling station and results protocols, including those corrected later in the process.

Following complaints of election day irregularities filed by candidates and representatives of civil society organizations, the REC annulled election results in eight polling stations. Repeat voting in these polling stations took place on 11 April. On 18 April, elections were repeated in a further three

⁴⁸ The tabulation taking place at municipalities is considered by the REC as unofficial.

⁴⁹ According to the REC instruction on the conduct of the election, mistakes in figures in the reconciliation part of the results protocols have to be corrected at the REC.

⁵⁰ Original results protocols were posted at polling stations after the counting.

polling stations as a consequence of appeals and Administrative Court decisions. Results from two polling stations were verified by the REC in a public session in front of the media. Recounts revealed minor discrepancies in votes attributed to candidates.

The first partial preliminary results were provided by the REC on 6 April and final election results were announced on 20 April. Voter turnout was reported at 54.34 per cent.

XV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in Serbia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with previous OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of Serbia to further improve the electoral process and to address the recommendations contained in this and previous reports.⁵¹

A. PRIORITY RECOMMENDATIONS

1. The electoral legal framework should be subject to a comprehensive and inclusive review to regulate all essential aspects, address gaps and loopholes, and empower institutions to implement necessary control and oversight over the electoral process.
2. To guarantee a level playing field among contestants, the separation between party and state activities needs to be strictly abided by.
3. Party and campaign finance provisions stand to be further improved in line with previous OSCE/ODIHR recommendations with a view to tighten regulation and enhance transparency.
4. The ACA should exercise its mandate fully by proactively monitoring and investigating any non-transparent activities in the context of elections.
5. Authorities should refrain from interference in the activities of media and journalists, who should operate free from intimidation or pressure, administrative actions or other types of undue influence.
6. Oversight by the REM should be explicitly extended to all aspects of media coverage of elections. The REM could take a more pro-active approach in the performance of its duties, including through timely action based on findings of systematic media monitoring. Amendments to the LEM could be considered to provide for more effective sanctions, including expedited timely remedies during the election campaign.
7. Concerted efforts are required to address persistent issues with voter list accuracy. Consideration could be given to re-organizing voter lists in a more practical manner.

⁵¹ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

8. The law should provide for effective legal redress mechanisms for electoral violations, including a possibility to challenge all REC acts. Legal deadlines to submit and review election-related complaints should be extended in line with international good practice.
9. To enhance the transparency and trust in the electoral process, the law should provide for the publication of elections results by polling station and results protocols, including those corrected later in the process.

B. OTHER RECOMMENDATIONS

Election Administration

10. Consideration could be given to amending the law to formally create an intermediate level of electoral administration and clearly delineate tasks and responsibilities of the different levels.
11. The election administration could consider implementing comprehensive training covering all stages of election day procedures in a standardized and more effective format for all PB members.

Voter Registration

12. Consideration should be given to removing the blanket restriction on voting rights of persons declared legally incapable and to provide for the decision on each case based on the specific circumstances.
13. To enhance public trust in the voter register, consideration could be given to publishing the partial data from voter lists for public scrutiny in line with the law and international good practice.

Candidate Registration

14. To make candidate registration process more inclusive, consideration may be given to lifting the restriction for voters to support only one candidate.

Election Campaign

15. Authorities should take decisive action to prevent pressure on voters, including employees of state or state-affiliated institutions. Cases of alleged coercion need to be investigated and individuals responsible held accountable.

Media

16. Comprehensive steps should be taken to strengthen the financial and editorial independence of public broadcasters. Adequate funding mechanisms could be considered to reduce dependency on the state budget. Media laws should be fully implemented with the aim of ensuring greater transparency in ownership and funding of the media.
17. Media, especially the public broadcaster, should consider adopting self-regulatory measures to ensure fair and impartial editorial policies for campaign coverage, including emphasizing a clear distinction between official activities of candidates and their campaign appearances and to ensure that coverage of governmental activities does not unduly disadvantage other candidates.

Participation of National Minorities

18. The positive example of establishing PBs with equitable representation of national minorities could be replicated as good practice in other regions with significant minority populations.

Citizen and International Observation

19. As previously recommended, the legislation should be amended to explicitly provide for the presence of both citizen and international observers in line with the OSCE commitments. It should unambiguously provide for observers access to all stages of the electoral process and clearly define their rights and obligations.

Election Day

20. Additional efforts should be made by the REC to ensure the secrecy of the vote. This should be explicitly addressed during training, with clear and uniform instructions provided.

ANNEX: FINAL ELECTION RESULTS

Total number of registered voters	6,724,949
Total number of votes cast	3,654,014
Total number of valid votes	3,593,636
Total number of invalid votes	60,378
Turnout (percentage)	54.36

	Candidate	Submitter (political party, coalition, group of citizens)	Number of votes by candidate	Percentage of votes
1.	Saša Janković	Group of citizens “For Serbia without Fear”	597,728	16.36
2.	Vuk Jeremić	Group of citizens “We Have to Do Better”	206,676	5.66
3.	Miroslav Parović	Group of citizens “National Freedom Movement”	11,540	0.32
4.	Saša Radulović	Movement “Enough is Enough”	51,651	1.41
5.	Luka Maksimović	Group of citizens “Ljubiša Preletačević Beli, Beli – With Force”	344,498	9.43
6.	Aleksandar Vučić	Coalition: Aleksandar Vučić –SNS, Socialist Party of Serbia – Ivica Dačić, Social Democratic Party of Serbia – Rasim Ljajić, United Serbia – Dragan Marković Palma, Party of United Pensioners of Serbia – Milan Krkobabić, Socialist Movement – Aleksandar Vulin, Serbian Renewal Movement – Vuk Drašković, Movement ‘The Force of Serbia – BK – Bogoljub Karić, VMSZ -Vajdasági Magyar Szövetség – Ištvan Pastor	2,012,788	55.08
7.	Boško Obradović	Serbian Movement Dveri	83,523	2.29
8.	Dr Vojislav Šešelj	Serbian Radical Party	163,802	4.48
9.	Dr Aleksandar Popović	Democratic Party of Serbia (DSS)	38,167	1.04
10.	Milan Stamatović	Group of citizens “For Healthy Serbia – Milan Stamatović”	42,193	1.15
11.	Nenad Čanak	League of Social Democrats of Vojvodina	41,070	1.12

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

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

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