

Belgrade Elections 2018



CRTA ELECTION OBSERVATION MISSION - FINAL REPORT

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ABBREVIATIONS

ACAS	Anti-Corruption Agency
CRTA	Centre for Research, Transparency and Accountability
CEC	City Election Commission
CC	City Committee
List Aleksandar Vučić	“Aleksandar Vučić – Because We Love Belgrade!”
List “Let’s not Drown Belgrade“	“Initiative Let’s not Drown Belgrade – yellow duck- whose city, our city – Ksenija Radovanović“
List Aleksandar Šapić	“Aleksandar Šapić – The Mayor“
Lista DJB and Dveri	“Enough is Enough! and Dveri – For these to go, and for those not to return“
List “Let’s Free Belgrade”	“Let’s Free Belgrade – Democratic Party (DS), Social-democratic Party (SDS), New Party (NOVA) and the Green Party (ZEP – Zeleni)“
List Vojislav Šešelj	“Vojislav Šešelj– Serbian Radical Party“
List Ivica Dačić	“Ivica Dačić –Socialist Party of Serbia (SPS), Dragan Marković –United Serbia“
List “What do you think you are doing?“	“What do you think you are doing? – Marko Bastać“
List DSS	“Miloš Jovanović – The Democratic Party of Serbia“
List Dragan Đilas	“Dragan Đilas - Belgrade decides, people wins“
List LDP	“Liberal Democratic Party – LDP – Čedomir Jovanović“
LTO	Long term observer
MDULS	Ministry of Public Administration and Local Self-Governments
NARS	National Assembly of the Republic of Serbia
OSCE	Organisation for Security and Co-operation in Europe
REM	Regulatory Authority for the Electronic Media
REC	Republic Electoral Commission
RTS	Public service broadcaster Radio Television of Serbia
SDS	Social Democratic Party
SNS	Serbian Progressive Party
STO	Short term observer

SUMMARY

Ordinary elections for 110 councillors for the Belgrade City Assembly were held in Serbia on March 4th 2018. This was the first time since the establishment of the multi-party system that the Belgrade elections had been held independently and not along with parliamentary, presidential or local elections in the entire country.

Nevertheless, the date of the elections had been speculated since the end of the presidential election in April 2017. The public was kept in suspense until the very last minute about whether the Belgrade elections would be held together with the parliamentary ones. By constant controversies surrounding the date and type of the elections that should be called, the tension in public raised and the ordinary elections resembled rather to the extraordinary ones, which was the case also during the presidential election calling in 2017. There was a predominant narrative stigmatising all those who were not like-minded as enemies of the state. There was no pluralism of opinion on national televisions, no responsibility for the spoken or published word, no dialogue whatsoever.

Although the Belgrade elections were called on January 15th, the unofficial campaign started as early as in October 2017.

PRE-ELECTION PERIOD

The campaign for the Belgrade elections, although they were held at a local level, corresponded to the election atmosphere of the last national elections when it comes to mobilised resources, national media attention and state officials' engagement in the campaigning.

In the campaign, there was an increasing trend of cases of potential abuse of public resources and public officials campaigning, as well as of cases of media inequality and unethical and unprofessional media reporting. Public officials campaigning was visible with city officials, but as well as with the state ones. Almost all ministers, Prime Minister and the President of the Republic of Serbia were considerably involved in the campaign. A number of various cultural and entertaining events were organised by municipalities and financed from the budget, with a hidden goal to promote a certain electoral list.

The findings of the media monitoring indicated that the election campaign had started in autumn 2017. Public officials' campaigning was also noted in the media, i.e. the abuse of the media space obtained as a public official for the promotion of a political party or electoral list. The first

overview, comprising the period from October 2nd 2017 to January 15th 2018 showed that the government representatives were almost four times more present in the media compared to the opposition representatives, whereas there were also recorded cases of the so-called "officials campaigning". Unequal media coverage of the government and opposition representatives was pursued in the next stage of campaigning and throughout its duration, although such inequality decreased with the campaign progress.

In the pre-election period there were assaults recorded towards different stakeholders of the election process, as well as new forms of intimidation, such as a "human shield", i.e. surrounding of the political opponent during performance of activities linked to the campaign with the aim of causing an incident. Such case was identified in five occasions and it is an unprecedented form of pressure coerced the actors in the election process. The most frequent targets were the following: "Let's not Drown Belgrade" (absolutely the most attacked one) and the list led by Dragan Đilas. There were six recorded cases of direct assaults, intimidations and prevention form political activities (prohibition to use public premises) against the list "Let's not Drown Belgrade".

The work of the election administration, as well as of independent institutions that was supposed to ensure compliance with electoral rules and procedures, was not fully in line with the standards for free and fair elections. What casted a shadow on the election process is the fact that the work of the City Electoral Commission remained closed to the public in the first month of campaigning. Neither media nor domestic observers received accreditations for monitoring the work of this body. The "work behind the closed doors" is contrary to provisions of the Rulebook on the Work that establishes the publicity of the work of the CEC. The CEC established on January 17th that the associations "the Centre for Free Elections and Democracy – CESID" and "the CRTA" had fulfilled conditions set forth for domestic observers in the election process, but authorisations for monitoring the work of the CEC were delivered one month later. Disabling domestic observers to monitor the work of the election administration infringed the international obligations that Serbia had taken over as a member of the OSCE and seriously violated the transparency of the election process.

The decision made by the CEC were in line with the existing legal regulations and by-laws. Nevertheless, the existing regulations failed yet again to provide the integrity of the election process. The CEC did not manage to respond to challenges emanating from the election process, such as

the appearance of “fake lists”, controversial ways of obtaining the documentation outside the procedure required for the announcement of electoral lists, declaration of “double” people as members of polling stations committees by different parties and the announcement of the final results before considering all objections.

Inmates who are in detention units in the District Prison in Belgrade and who have the right to vote in the elections for the Belgrade City Assembly could not exercise this right. According to the information that the CRTA obtained at the 19th session of the City Electoral Commission held on February 15th 2018, voting within the Institute for the Execution of Criminal Sanctions was not foreseen. In this way, inmates who have the right to vote in the elections for the Belgrade City Assembly were denied that right.

The Anti-Corruption Agency started to monitor the election campaign on January 29th 2018. The data about the number of objections filed to the Anti-Corruption Agency by the citizens during the election campaign remain unavailable to the public. The CRTA filed to the Anti-Corruption Agency 35 charges regarding the public officials campaigning, public resources abuse and political subjects’ illicit activities, as well as four charges to different inspections (communal and educational). Until the closing of this report, the Anti-Corruption Agency has delivered only five responses to filed charges which were all rejected.

The Regulatory Body for Electronic Media (the REM), as an independent and autonomous body founded in accordance with the Law on Electronic Medias failed to perform its duties – the control of media contents and the conduct of broadcasters during the election campaign. The REM has come forward to the public only four times – once in order to remind the media services providers to respect regulations regarding the conduct of broadcasters in the election process and three more times in relation to election spots. The REM has not reacted on account of charges filed by citizens or political subjects although it was noted that citizens had so far filed more than 300 charges against electronic media for cases of media discrimination or untrue and unobjective reporting. The outcomes of these charges remain unknown.

The unique voters’ register was in the focus of public attention in this election process, too. The CRTA noted that the voters’ register remained unarranged in this election process which significantly affected the decrease in citizens’ confidence in the election process.

ELECTION DAY

The CRTA monitored the elections on a sample comprising 453 poll stations as well as through 50 mobile teams that monitored the election events outside polling stations in all Belgrade municipalities.

The analysis of the process quality during the Election Day, based on the information gathered from the sample, showed that the quality of the election process was not in line with international standards for free and fair elections. A serious violation of election procedures was recorded at 8% of polling stations, which represents an increase in irregularities in comparison to the 2017 presidential elections (3%) and to the 2016 parliamentary elections (4%).

Such irregularities at polling stations (8% of polling stations) comprise the following: keeping parallel voters’ records outside the voters’ register at the very polling station, the use of mobile phones and taking pictures of voters, the lack of the control ballot in ballot boxes at the beginning of voting, surplus of ballot papers in comparison with the number of voters, voting without identity documents, the lack of examination of voters’ IDs, voting without UV lamp check, violation of the secrecy of voting. Bearing in mind the results, irregularities recorded in 8% of the cases could not have had a significant impact on the final outcome of the elections.

Irregularities were noted outside the polling stations in 7% of the polling stations, such as keeping records of voters and bringing voters to vote in groups. Such occurrences are not regulated by the law and can be interpreted in a number of ways – as a very good party organisation, for example, but they can also indicate illicit pressures coerced on voters.

POST-ELECTION PROCESS

In the post-election period, the CRTA observation mission monitored above all the work of the City Electoral Commission, especially in relation to the way they were to consider the received objections, annul the results from certain polling stations, repeat voting at four polling stations and announce the final results of the elections.

At the end of the Election Day, on March 4th, the City Electoral Commission (CEC) proceeded with the determination of the results at the session held on the day following the elections, before discussing the received objections. As a matter of fact, at the session, the CEC first put to vote and then adopted with the majority of votes the *Minutes on the work of the City Electoral Commission on determining the election results for councillors of the Belgrade City Assembly*. In that way, the CEC adopted and announced the final results before they became final and irrevocable (before the expiration of the deadline for filing of objections). By prematurely adopting and publishing the Minutes on the work, the CEC not only jeopardised the legality of the elections, but also called into question the legitimacy of the elections, as they continued to work only in their permanent composition during the two following weeks, i.e. without representatives of the electoral lists submitters who made the extended

composition thereof. What is particularly worrisome is the fact that, at those sessions, it was decided on a large number of objections filed to the CEC due to irregularities noted in the implementation of the elections on the very Election Day. The CEC justified such proceedings by the fact that in accordance with article 13 of the Law on Local Elections, the Electoral Commission should work in its extended composition until *the end of the elections*, i.e. until the announcement of the final results.

Following the decision to repeat the vote at four polling stations on the territory of the municipality of Stari grad (upon the adoption of voters' objections), the CEC included in its work once again all members forming the extended composition. Subsequently, the extended composition participated in the work and in the decision-making process of the CEC after a two-week pause.

As for the content of the Minutes on the work, it can be concluded that a certain number of polling stations was **annulled**. This conclusion emanated from the fact that

the initial Minutes on the work were adopted with only 1,594,141 voters in comparison to the previously determined final number of voters in the Belgrade elections which 1,606,931. The difference was 12,790 voters. Bearing in mind that the elections were repeated at four polling stations where a total of 5,384 persons had the right to vote, the determined number of voters who had the right to vote is still higher than the one stated in the Minutes of Final Results, because there was a lack of 7,406 voters.

Since the CEC did not inform the public why there was a mismatch of data, the CRTA observation mission can conclude that 7,406 votes were annulled. That means that votes of those voters in the Belgrade election were not valid and that they were not comprised by the final electoral results, which directly derogated the electoral will of this number of voters. The only piece of information available in the Minutes of the Final Results is that **the missing 7,406 voters had been registered in 7 polling stations not included in the final results.**

KEY RECOMMENDATIONS

Electoral Legislation and Election Administration

- Systematise the electoral legal matter through a unique election law and reorganise the election administration system;
- Introduce compulsory trainings and tests for all members of the polling station committees and adopt a Rulebook for educators providing trainings for all members of the polling station committees;

Voters' register

- Improve the coordination between the office of vital records and services in charge of the voters' register;
- Facilitate citizens' procedures for updating data in the voters' register.

Behaviour of the campaign actors

- Clarify the concept of public resources and adequate sanctions in the Anti-Corruption Agency Act;
- Define which activities can be included in the cost of the election campaign;
- Prohibit the participation of all public officials in the election campaign;

Position of the observers

- Regulate the position and the authority of the observers by the law, in accordance with the international standards, and introduce a special chapter of the law dedicated to this legal matter;
- Provide observers the authority to submit objections in the Minutes of the polling stations committees.

Media

- Oblige the REM to report to the public on the work of broadcasters during and after the election campaign.

Objections, complaints and protection of the electoral right

- Extend the deadline for making decisions and submitting objections;
- Identify cases where the electoral commissions are allowed to act ex officio;
- Introduce short deadlines for decision-making by the Agency and the REM upon objections;

Election day

- Directly prohibit by the law parallel evidence at the polling station as they jeopardise the secrecy of voting.

OBSERVATION METHODOLOGY

In its capacity of a domestic observation mission, the CRTA followed up the entire process for the election of councillors for the Belgrade City Assembly 2018.

PRE-ELECTION PERIOD

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

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

ELECTION DAY - MARCH 4TH 2018

On the Election Day, we focused on observing the quality of the actual Election Day processes. Our observers were deployed to 453 polls on the basis of a representative random sample. Our mobile teams monitored the occurrences

outside polling stations in all Belgrade municipalities on the Election Day. Our representatives monitored also the work of the City Electoral Commission.

They were present at the polls from the preparations to open the polls until all polling stations committees' members announced the election results for their respective polling station, thereby providing full insight into all occurrences at the polling stations on the Election Day.

POST-ELECTION PERIOD

The CRTA observation mission monitored the work of the City Electoral Commission until it declared the official election results, as well as the process of complaints about the work of polling committees and the City Electoral Commission.

ELECTION ADMINISTRATION — COMPETENCES AND LEGAL FRAMEWORK

The elections for councillors for the Belgrade City Assembly were held in Belgrade as a single constituency, by application of a proportional electoral system. On the Election Day, a total of 1,606,931 voters had the right to vote at 1,185 polling stations.

The elections for councillors for the Belgrade City Assembly are mainly regulated by the Law on Local Elections, while the issues that are not specifically defined by this Law are stipulated by the Law on the Election of Members of the Parliament. Apart from laws there are also bylaws of the City Electoral Commission (CEC) that define more precisely the election process and the very Election Day - The Instructions for the Conduct of the Voting for Councillors for the Belgrade City Assembly and The Instructions for the Work of Polling Committees for Conduct of the Voting for Councillors in the Belgrade City Assembly.

Pursuant to the Instructions, the bodies in charge of the conduct of voting are the City Electoral Commission and polling station committees. The election administration operates in its permanent and in its extended composition. The members of the election administration in the extended composition, established in accordance with the Law on Local Elections, are determined by the City Electoral Commission on the basis of the notifications of the submitters of the proclaimed electoral lists. Members of the election administration and their deputies can only be citizens who have the right to vote, as well as domicile in the territory of the city of Belgrade. According to the Law, the polling committees of the permanent composition consist of a president and four members. On the other hand, 20 electoral lists had the right to a member of the polling committee in the extended composition.

ANALYSIS AND FINDINGS

POLITICAL CONTEXT

Ordinary elections for 110 councillors for the Belgrade City Assembly were held in Serbia on March 4th 2018. This was the first time since the establishment of the multi-party system that the Belgrade elections had been held independently and not along with parliamentary, presidential or local elections in the entire country. The President of the National Assembly of the Republic of Serbia Maja Gojković called on January 15th 2018 the elections for councillors for the Belgrade City Assembly. The elections were called within the legal deadline as the term of office of the councillors in the current convocation expires on April 23rd 2018. In Belgrade elections, councillors for the Belgrade City Assembly are elected, and not directly the mayor as a single authority that governs the city¹.

1,606,931 voters had the right to vote and to elect their representatives in 17 Belgrade municipalities, which make the entire territory of the City of Belgrade. The City Electoral Commission determined on January 31st the final number of polling stations – 1,185. As the capital and the largest city in the country, Belgrade has an enormous political and economic importance which gave to these elections almost a national character. The significance of these elections was further emphasised by the fact that nearly one fourth of Serbian voters had the right to vote.

By a Decision on the budget of the City of Belgrade for 2018, 37,430,444.00 dinars were allocated from the city budget for the conduct of election activities of political entities.

IMPORTANCE OF THE BELGRADE ELECTIONS

As the capital and the largest city in the country, Belgrade has an enormous political and economic importance which gave to these elections almost a national character. The significance of these elections was further emphasised by the fact that nearly one fourth of Serbian voters had the right to vote, whereas the balance of political powers in Belgrade and in the rest of the country is not completely identical.

The last ordinary elections for councillors for the Belgrade

1 *As a matter of fact, the Law on the Local Self-Government foresees that the main executive bodies of a municipality/city are: the mayor and the city council. The mayor is elected by the city assembly among the councillors by a secret ballot. The mayor's term of office is four years. The mayor is elected upon a proposal given by a president of the city assembly by the majority of votes out of the total number of councillors of the city assembly.*

City Assembly were held in May 2012 alongside with the parliamentary, presidential and local elections. Whereas there was a shift of power at the state level², the situation in the City of Belgrade remained the same, as the coalition led by the Democratic Party still had the majority. In the 2012 elections, the electoral list led by the Democratic Party “Dragan Đilas – A Choice for a Better Belgrade” won 35.18%, i.e. a total of 50 seats. The coalition around the Serbian Progressive Party had 25.72% (37 seats), the coalition SPS-PUPS-JS won 9.14% (13 seats), whereas the Democratic Party of Serbia won 7.46% (10 seats). 54.47% of voters went to polls, a total of 840,838 citizens of Belgrade. Dragan Đilas was elected Mayor and had votes from 63 councillors.

However, in September 2013, there was a re-composition of the City Assembly. On September 24th, 60 councillors voted for the dismissal of Dragan Đilas. The city government continued to function in its technical mandate until the Government of Serbia elected on November 18th the five-member interim administration of the City of Belgrade, composed by Siniša Mali (a non-partisan personality), Nebojša Čović (a non-partisan personality), Andreja Mladenović (DSS), Nikola Nikodijević (SPS) and Tatjana Pašić (DS).

The interim administration governed the City until the election of the new government in April 2014. The extraordinary elections for the Belgrade City Assembly were held in March 2014, when 50.66% of voters went to polls, i.e. 805,046 of Belgraders. The Serbian Progressive Party (SNS) won the absolute majority with 43.62% of votes and had a total of 63 out of 110 seats. The Democratic Party (DS) won 15.7% of votes (22 seats), the coalition around the Serbian Socialist Party, SPS-PUPS-United Serbia 11.49% (16 seats), whereas the Democratic Party of Serbia (DSS) also got in the city assembly having won 6.39% of votes, i.e. 9 seats. In April 2014, Siniša Mali was elected Mayor of Belgrade with 79 votes from councillors.

ATMOSPHERE IN WHICH THE ELECTIONS WERE HELD

In order to describe the context of the elections in Belgrade, it is necessary to start from the political atmosphere in Serbia. As a candidate in the European integration process, Serbia has, by the time of Belgrade elections, opened

2 *The Serbian Progressive Party won the parliamentary majority and formed the Government, whereas the president of the Serbian Progressive Party became the President of the Republic.*

12 out of 35 chapters (and temporarily closed two). In the [Strategy of Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans](https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf)³ of the European Commission, published in February 2018, it was stated that Montenegro and Serbia “might potentially be ready for membership” in 2025. Nonetheless, it was also stated that all the West Balkans countries showed “clear signs of state captivity, including liaisons with organised crime and corruption at all levels of power and administration”; “the strong involvement of public and private interests, which reinforces the sense of impunity and inequality” was mentioned; as well as “a significant political interference with the work of the media and their controlling”; it was required to have “a clearly empowered and independent judiciary as well as an accountable government and administration”.

The political power in Serbia is concentrated in the governing Serbian Progressive Party (SNS) that has the parliamentary majority, leads the Government and has the power in almost all local self-governments. On the other hand, the opposition forces do not appear to be coherent and fail to mobilise greater support from citizens. Public opinion surveys⁴ indicate a low participation rate in democratic processes. The elections appear to be the only form of a civil participation, but there is a constant decrease in turnout recorded throughout the years. The turnout dropped for 10 per cents in the last 10 years (from 60 per cents 10 years ago to approximately 50 per cents at the presidential elections in 2017).

Additionally, the atmosphere in the media and society has been severely aggravated in recent years. In the public, there is a predominant narrative stigmatising all those who are not like-minded as enemies of the state, on televisions having national frequencies there is no room pluralism of opinion or dialogues about policies, public officials are not held accountable for the spoken or published word. According to the database of the Independent Journalists Association of Serbia, the number of assaults on journalists (physical, on property, threats on property, pressures and verbal threats) has steadily increased since 2013⁵. The public statements of the State Secretary of the Ministry of

Culture and Information, Aleksandar Gajović⁶ show that officials even suspect that journalists themselves organise such attacks on themselves in order to draw attention.

The date of the Belgrade elections had been speculated since the end of the presidential elections in April 2017. The public was kept in suspense until the very last minute about whether the Belgrade elections would be held together with the parliamentary ones. By constant controversies surrounding the date and type of the elections that should be called, the tension in public raised and the ordinary elections rather resembled to the extraordinary ones. Although the Belgrade elections were called on January 15th, the “unofficial campaign” started as early as in October 2017. In the period from October 1st to the official start of the election campaign, the CRTA found through media monitoring that there was a significant disproportion in the appearances of the government representatives in comparison to the opposition representatives⁷. “Public officials’ campaigning in the media” was also noted, i.e. the abuse of the media space obtained as a public official for the promotion of a political party or electoral list.

Independent institutions in charge of monitoring of the election activities did not rise to the occasion in these elections. The Regulatory Body for Electronic Media (the REM), as an independent and autonomous body founded in accordance with the Law on Electronic Medias failed to perform its duties during the Belgrade elections campaigning. The REM plays a decisive role in the electoral campaign regarding the regulation of the electoral communication in the electronic media, since it defines the framework in which the media and political stakeholders can move, interpret the legal provisions, and it has also the possibility of imposing sanctions on those who violate the provisions of the Instructions. Since the calling of the Belgrade elections, the REM addressed the public, media services providers and political subjects only on January 31st 2018, in order to point out that the election campaign was underway and that provisions of the Law on Electronic Media, the Rulebook on the obligations of providers of media services during the election campaign and the Law on Public Service Broadcasters would apply. The REM did not react on account of charges filed by citizens or political subjects although it was noted that citizens had so far

3 https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf

4 Research: [Citizen participation in democratic processes in Serbia 2017](#)

5 *Out of a total of 23 assaults occurred in that year, there was an increase to 92 in 2017. As a rule, the assaults on journalists remain unpunished even those duly documented, like the assault on journalists during the inauguration of the new president in May 2017. In January, after the CRTA presented the media monitoring results, [TV Pink commenced a negative campaign against the CRTA organisation and Tamara Skrozza](#), a journalist and a member of the CRTA Managing Board. Although this case was reported, the Regulatory Authority for Electronic Media (REM) did not react.*

6 <https://www.slobodnaevropa.org/a/intervju-aleksandar-gajovic/29032189.html>

7 *The CRTA performed the analysis of the media reporting about the election process “[Belgrade Elections 2018 – Campaign before the Campaign?](#)” which demonstrated that in the period from October 1st 2017 to January 15th 2018, this disproportion was even 4:1 in favour of the government representatives. The discrepancy was even more drastic if we isolate a TV segment through which the largest number of citizens is informed (82percents): in prime time news shows on six televisions (five having a national frequency + N1) the government representatives were seven times more represented than the opposition representatives.*

filed more than 300 charges against electronic media for cases of media discrimination or untrue and unobjective reporting.

The REM did not publish the report on the campaign after the parliamentary elections in 2016, while in 2017, despite its legal obligation, it decided for the first time not to proactively monitor the coverage of electronic media about the campaign, but only to act upon citizens' complaints (**not in a single case did the REM formally initiate the procedure aiming to impose measures on media services providers**). The public was therefore denied the access to official data, while the data emanating from the non-governmental sector - which did the work of the REM - showed a huge media domination of the future president.

According to the law, the Anti-Corruption Agency, as an independent controlling institution, has two competencies in the election campaign that are important for enabling conditions for conducting fair and free election campaigns: to monitor whether the so-called "public officials' campaign" is taking place and to control the process of financing campaigns by political subjects. On January 29th 2018, the Agency informed the public on its website that it had begun monitoring the election campaign.

Nevertheless, like the REM, even this independent institution of great importance for the course of the election process and for the conduct of political actors in it - does not function without major problems and controversies. After several failed projects to appoint the new director of the Agency, the Agency got a new director right before the calling of the Belgrade elections. However, it was immediately announced to the public that the newly elected director was a member and a donor of the ruling Serbian Progressive Party, which casted a shadow on the independence of this institution. Even before this case, the Agency functioned with difficulties: the former director resigned after only two months of performing the function, and the National Assembly and the parliamentary committee in charge of selecting future members of the Agency's Board elected politically suitable candidates to the Agency's Board in the past three years. The choice and discussion about other candidates (such as the candidates of the Journalists Association, or the joint candidate of the Ombuds-

man and the Commissioner) were even rejected to be put on the agenda.

What casted a shadow on this election process is the fact that the work of the election administration - the City Electoral Commission (CEC) - remained closed to the public during the first month, as neither media nor domestic observers were awarded with the accreditation to monitor the work of the said body. The CEC worked "behind the closed doors" although in accordance with the CEC Rulebook, the work of the Commission is public.

The presence and the uninterrupted work of interested domestic and international independent observers is one of the important features of free and democratic elections and is an example of good practice in all democratically developed countries of the world. Furthermore, ensuring the conditions for a non-partisan election observation is a commitment that Serbia assumed as a member of the OSCE and a signatory of the Copenhagen document. Disabling the domestic observers to monitor the work of the election administration violated the international obligation that Serbia, as a member of the OSCE, took over and seriously violated the transparency of the election process. An objective and non-partisan observation, analysis and reporting of the election process by civil society organisations contribute to increasing the awareness of citizens regarding the work of the election administration bodies, as well as of other actors involved in the election process. Greater awareness contributes to a better understanding of electoral activities and to strengthening the confidence of citizens in the work of institutions, the election process itself and in the election results.

The Belgrade elections took place without the OSCE Office for Democratic Institutions and Human Rights (ODIHR), because this mission has no practice of observing local elections.

Recommendations for the improvement of electoral procedures made by the national observers and the OSCE / ODIHR international observation mission after the parliamentary elections in 2016 and the presidential elections in 2017 were neither considered nor adopted by the competent authorities.

CONTROL MECHANISMS

THE WORK OF THE REGULATORY BODY FOR ELECTRONIC MEDIA IN THE ELECTION PROCESS

Since the calling of the Belgrade elections, the REM addressed the public, media services providers and political entities only on January 31st 2018, in order to remind the media services providers to respect specific rules prescribed by the Law on Electronic Media⁸, the Law on Public Service Broadcasters and the Rulebook on the obligations of providers of media services during the election campaign. On the REM official website, it was not published whether ex officio or upon objections filed by the citizens, the REM really determined if providers of media services persistently abided by the rules indicated in the aforesaid statement.

During the election process, 318 citizens used the application created by the CRTA⁹, in order to file a complaint to the REM electronically. Additionally, the CRTA activists filed to the Regulatory Body four complaints via registered mail, where they indicated violations of provisions of the Rulebook. Despite the obligation foreseen by article 4 of the Rulebook on means of imposing measures to providers of media services, the REM did not make publicly available complaints filed by citizens during the election campaign. There are no data regarding potential decisions on initiation of proceedings following such complaints.

The REM Council, which currently comprises six of nine members foreseen by the Law, held five extraordinary sessions during the campaign. At the three sessions, the issues relating to the election campaign were discussed, and decisions were made on the reports of the expert oversight and analysis service, which, at the request of the Radio Television of Serbia, monitored all election video spots to determine whether their content was consistent with the provisions of the Law on Advertising. The decisions of the Council published in the Minutes of the sessions contain a short statement, but not the reasoning from which it could be concluded which criteria guided the members of the

8 Article 4 paragraph 1 and 2 of the Law on Local Elections - Citizens are entitled, by the means of public information outlets, to be equally, timely, truthfully, impartially and completely informed about the election campaign of all submitters of electoral lists and candidates from such lists, as well as about other events of importance for the elections. Public information outlets shall in the election campaign ensure equality, timeliness, truthfulness, impartiality and completeness in providing information about all submitters of electoral lists and candidates from such lists, as well as about other events of importance for the elections.

9 <https://rem.gradjaninastrazi.rs/>

Council when making decisions. The conduct of the REM in relation to all three election videos and the outcome of their decisions are presented below.

1. THE REM DECISION-MAKING REGARDING THE ELECTION VIDEO SPOT "THE MAYOR"

The election video spot "The Mayor" of the electoral list "Aleksandar Vučić – Because We Love Belgrade!" was broadcast on February 18th 2018. The plot of the spot calls the spectators' attention to negative consequences of the potential victory of two electoral lists lead by Dragan Đilas and Aleksandar Šapić. A joint portrait of these two holders of the electoral lists was shown in several takes of this video.

Article 15 of the Law on Advertising prescribes the following: *If an advertisement contains name, personal data, personal record, face record-photo, drawing, film, video or digital recording, recording of voice or words said – tape, phonograph and digital recording, written records- letter, diary, note or digital inscription (herewith: personal property), on the basis of which identity of a person may be ascertained or recognised, the advertisement may not be published without previous consent of the person to whom the property refers.* Upon request lodged by the RTS, the Regulatory Body for Electronic Media performed monitoring of the said video and imposed suspension of its broadcasting. The REM established that by broadcasting of this message in the programme without a prior consent obtained by the person to whom the property refers, the media service provider violates the provisions of article 15m paragraph 1 of the Law on Advertising, which represents the basis for the immediate suspension of broadcasting of the election video, or otherwise for the initiation of proceedings aiming to impose measures foreseen by the Law on Electronic Media.

The REM passed on the aforesaid decision on an urgently called session. The decision was published on the REM official website afterwards, in the evening of February 18th 2018. In spite of that, on a number of televisions, the spot was broadcast even after the REM decision was made publicly available.

Before the decision was brought and after the media announced that the RTS had addressed the REM for opinion, Dragan Đilas sent a statement to the RTS giving his consent to broadcasting of the said video. Aleksandar Šapić did the same via his Twitter account.

It clearly emanates from provisions of the Law on Advertising that a person can give their consent to the use of their

property in an advertisement afterwards. This is the reason why the REM warning does not constitute a prohibition. Each television to which Šapić and Đilas may have given their written consent were able to continue broadcasting of this video without fear of the REM sanction imposed because of the violation of article 15, paragraph 1 of the Law on Advertising.

Nevertheless, while monitoring this video, the REM **did not find** that this advertisement contained statements or visual representations that may be considered offensive (which is prohibited in accordance with article 6 of the Law on Advertising), or that it contained elements of **illicit parallel advertising** referred to in article 14 of the Law on Advertising. Such conduct might be the result of the fact that the legislator has failed to regulate the issue of political advertising in a systemic way, since in the domain of parallel advertising, the consistent application of the rules, which are clearly directed to the advertising of commercial products, is not a long-term sustainable solution.

2. THE REM DECISION-MAKING REGARDING THE ELECTION VIDEO SPOTS “ALEKSANDAR VUČIĆ – BECAUSE WE LOVE BELGRADE!” AND “DRAGAN ĐILAS – BELGRADE DECIDES, PEOPLE WINS”

Having inspected the contents of video spots, the REM found that in accordance with article 15 of the Law on Advertising it was necessary that Dragan Đilas and Aleksandar Šapić give their consents to broadcasting of the spot “The Mayor” of the electoral lists “Aleksandar Vučić – Because We Love Belgrade!”, as their identities were shown in the spot, and imposed the urgent suspension of its broadcasting.

On the other hand, having inspected the advertisements “Đilas 1 and 1” and “Fear” by the electoral list “Dragan Đilas – Beograd decides, people win”, the REM concluded that their contents were not contrary to provisions of the Law on Advertising. Unlike the video “The Mayor” that was broadcast on the public service broadcaster and on commercial televisions before the REM inspected its contents, the RTS requested the monitoring of spots “Đilas 1 and 1” and “Fear” before they were broadcast.

3. THE REM REACTION REGARDING BROADCASTING OF THE “ŽIKA’S VARIETY SHOW”

The attitude of the REM that sparked a lot of attention was the opinion allowing broadcasting of the “Žika’s Variety Show”, although the Rulebook on the obligations of providers of media services during the election campaign directly prohibits the appearance of candidates in the role of TV hosts.

Živorad Nikolić, author and host of the “Žika’s Variety Show” that is broadcast on Saturdays and Sundays on RTS

1, was a candidate for councillor in the Belgrade City Assembly on the electoral list “Aleksandar Vučić – Because We Love Belgrade!”. In its official website, the RTS displayed the text of the daily “Danas”¹⁰ stating that after the proclamation of the said electoral list, on January 18th 2018, the RTS addressed a request to the REM asking whether Nikolić could continue to host and prepare the show during the election campaign. The REM replied four days later stating that the show was an “author’s program having an entertaining character, that had been shown on the RTS for many years and did not represent an election program to which special rules apply”, and added that “according to the fact that the public media service was in question, the contents of which were available in the entire territory of the Republic of Serbia, it was impossible from the technical and from the programme point of view to suspend such contents in a certain region of the Serbian territory”. The said opinion of the Regulatory Body was not published on its internet page.

Despite the fact that it is a show that has been broadcast for many years, its author and host chose to be a candidate for a councillor, and therefore the REM opinion is disputable considering that article 5 paragraph 4 of Rulebook on the obligations of providers of media services during the election campaign stipulates that *an official or a high representative of the electoral list submitter or a candidate must not appear during the election campaign in programmes of media service providers in their capacity of hosts, speakers, reporters or other similar roles, regardless of the contents and nature of the programme.*

PROCEDURES FOLLOWING CITIZENS’ COMPLAINTS AND THE WAY THE REM ACTED ON THE OCCASION OF GORAN VESIĆ’S GUEST APPEARANCE IN THE SHOW “QUESTION MARK”

The day before the elections Olivera Zekić, a member of the REM Council, sent a series of letters from the official e-mail address and under the REM Memorandum to many media in the country drawing their attention to the fact that numerous citizens reported to the REM that during the broadcast of the show “Question Mark” on March 1st, 2018 they were unable to hear what Goran Vesić, a candidate for a councillor before the list “Aleksandar Vučić - Because we love Belgrade! was saying. Dragan Đilas, Čedomir Jovanović and Dragan Šutanovac also participated in the show.

Olivera Zekić pointed out that the REM oversight and analysis service acted upon complaints and found that the director was reducing the sound for 2 decibels when Vesić was speaking. As she stated, the letter was sent to the public

¹⁰ <http://www.rts.rs/page/stories/sr/story/2728/izbori-2018/3015021/rem-dao-zeleno-svetlo-za-nastavak-emitovanja-zikine-sarenice.html>

to draw their attention to the conduct of the RTS, since due to “shortcomings in the law” she did not have the opportunity to warn the RTS.

Although the REM, apart from citizens’ complaints, can initiate the procedure ex officio, it is clear from the REM Council member’s remarks that in this concrete case the control of the program content was made after the complaint received from the citizens. For this reason, it is important to point out that the procedure that the REM should follow upon the receipt of citizens’ complaints is precisely prescribed by the Law on Electronic Media and the Rulebook on means of imposing measures to providers of media services. We would like to emphasise that in this case, as well as in previous cases, the REM failed to fulfil the obligation stipulated in article 4 of the Rulebook on means of imposing measures to providers of media services, i.e. it did not publish the citizens’ complaints on its website.

In view of the fact that the oversight and analysis service conducted an analysis of the controversial content, this service had the obligation to prepare a report on the basis of which the Council was supposed to initiate proceedings in order to determine whether there were legal reasons for pronouncing a measure to the media service provider. If the signatory of the letter was correct, and if there were no basis for imposing a measure, the Council would end the proceedings by issuing a decision to suspend the proceedings of pronouncing the measure. All decisions passed on by the Council following citizens’ complaints, have to be published on the REM website in accordance with article 38, paragraph 2, point 10 of the Law on Electronic Media. **The REM would make a positive step forward if it made publicly available professional service’s reports with their reasoning.** In this way, the public would always have the opportunity to become acquainted with the conduct of this independent body and there would be no need that members of the Council personally inform the public about each individual case.

Finally, proceedings initiated upon the citizens’ complaints can result either in a decision suspending such proceedings or rejecting the complaint as unfounded, or in a measure pronounced to the media service provider. Proceedings initiated upon the citizens’ complaints can never result in a statement admonishing the media service provider. If there are grounds for imposing a remonstrance or a warning, as a measure foreseen by the Law, they need to be contained in the decision passed on by the Council as a collective body of the REM.

For that reason, we would especially like to point out to the part of the letter which specifies: “*As due to shortcomings in the Law, I cannot even warn you, I decided to at least publicly say what you did, for whom and why you did it.*”

The Council passes most of its decision by the majority of the total number of votes. A member of the Council, as an individual, has in no case the power to individually decide on imposing a warning or any other measure to media service providers.

The letter that Olivera Zekić addressed to Dragan Bujošević was forwarded to a number of editorial offices (Politika, Blic, B92, TV Pink) as well as to news agencies Tanjug, Beta, Fonet, so that the letter has a character of a press release. In relation to that, it convenes to mention that the representation and agency of the Council is within the competences of the Council’s president¹¹. Given that the Council has operated without its president since 2016, these competences were assumed by the deputy president of the Council in accordance with the Law on Electronic Media, but this function is not performed by the signatory of this letter. The Law prescribes that the members of the REM Council cannot carry out functions in political parties, but that they can be members thereof and can freely express their political convictions. However, expressing a political opinion on behalf of the Regulatory Body, from its email address and under its memorandum, greatly influences the deepening of distrust of citizens in the real independence of this body.

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**SILENCE IN THE REM REGARDING THE
ELECTION VIDEO CLIP BY ZORAN RADOJIČIĆ
IN TIRŠOVA HOSPITAL**

The first person listed on the electoral lists for councilors “Aleksandar Vučić – Because We Love Belgrade!“, the director of the University Children’s Hospital in Tiršova Street, Zoran Radojičić, made promotional videos for the needs of the campaign. The videos were recorded at the premises of the UCH in Tiršova Street whereas the visual identity of this hospital was clearly distinguishable. Recording and broadcasting of this video is controversial from the point of view of the prohibitions prescribed in several applicable laws.

First of all, as an official – the director the UCH in Tiršova Street, Zoran Radojičić is subjected to a prohibition foreseen by article 29 paragraph 2 of the Anti-Corruption Agency Act: ***An official may not use the public resources and public meetings that they attend in capacity of official for promotion of any political parties, and/or political entities.***

In addition to using the premises and inventory of the Hospital, in one of the two videos, the interviewed employees of this institution were also shown. Their statements were also put into the context of the election campaign. In this

¹¹ Article 21 of the Law on Electronic Media

way, Zoran Radojičić took advantage of the fact that the public function he performs grants him an absolute access to the public institution that he manages, and in that way achieved an unjustified advantage in the election race.

Additionally, at the beginning of the video, Radojičić was signed as the director of the University Children's Hospital in Tiršova Street. The video ends with a clear political message and a slogan of the electoral list "Aleksandar Vučić – Because We Love Belgrade!". It is forbidden to mislead the public about the capacity in which an official appears. As a matter of fact, article 29, paragraph 4 of the Anti-Corruption Agency Act prescribes that: ***An official is required at all times to unequivocally present to their interlocutors and the general public whether they are presenting the viewpoints of the body in which they hold an office or viewpoints of a political party, and/or political entity.***

In order to obtain the information how the cessation of premises of the hospital for recording of the election video was regulated in this particular situation, the CARTA observation mission addressed to the University Children's Hospital in Tiršova Street a request to access the information of public importance. The UCH replied that during the campaign several photographs had been taken in the hallways of the hospital and in the director's office, that the recording had taken an hour and that it had been performed on a day when the hospital had not been on duty, after working hours, so as not to interfere with its functioning. In the letter received from the hospital it was pointed out that *"for this kind of recordings, the hospital does not make contracts or other written agreements regulating such recordings, but it makes oral agreements, insisting on the observance of rules so as not to interfere with the work of the hospital."*

Nevertheless, article 6 of the Law on Financing Political Activities prescribes that services and goods from public sources given to political entities by bodies of the Republic of Serbia, autonomous province and local government, as well as by other organisations founded by them, are obligatorily granted under equal terms to all political entities. The aforementioned bodies regulate more specifically granting of services and goods from public sources. Therefore, in order that such concession of premises be allowed, it is necessary that the institution adopts beforehand an act more specifically regulating granting of services in a described manner, because in that way, terms of concession become foreseeable and known to all participants to the election process. Bearing in mind the fact that such act does not exist and that the premises were conceded pursuant to oral agreements, a legal obligation was not fulfilled and it was not made clear whether each candidate for councillor regardless of whether they perform a public function (a function of the director of the UCH) or not, could record their advertisement in this particular institution using its logo. Furthermore, it convenes to point out that financing of a

political entity by public companies, including healthcare institutions, is forbidden in accordance with article 12 of the Law on Financing Political Activities. The concession of business premises of a healthcare institution to a political entity for its free use during the election campaign, particularly under the circumstances where it is clear that there is no general act regulating the issue of granting services to all participants in the campaign under equal terms, can only be considered a service provided for free, which represents a non-pecuniary donation to a political entity, which is a prohibited form of financing of political activities if it comes from a public company.

Moreover, a public hospital – with all its personnel and inventories – was used for political party purposes, which is forbidden in accordance with article 41, paragraph 4 of the Law on Public Property: ***It is forbidden that trusted goods of public interest be used for private, party or other unauthorised purposes.***

Finally, the University Children's Hospital in Tiršova Street is an educational basis of the School of Medicine where lessons take place on a basic, doctoral and specialist academic studies. It convenes to mention that pursuant to **article 43 of the Law on Higher Education, no political or party activities are allowed in a higher education institution.**

Using of trademark – logo of a healthcare institution in an electoral advertisement

The trademark - logo the University Children's Hospital in Tiršova Street was specified by article 9 of this institution's Articles of Association and represents a stylised graphic representation of a standing female character who holds a child in her right arm. The described logo that the hospital is known by to the general public was used in several takes of the electoral video of Zorana Radojičić. The advertisement of such content indicates a clear intention of the advertiser to influence spectators by putting an equation mark between the healthcare institution intended for children, that has a long-standing tradition and a certain reputation amongst citizens on one side, and on the other an electoral list personified in the director of that institution.

Apart from the aspect of ethics, such political promotion is questionable from the point of view of provisions of the Law on Advertising and past REM practices. As a matter of fact, during the 2012 election process, the REM acted preventively warning media service providers that it is forbidden to broadcast videos where trademarks of legal entities were used unless these legal entities agreed to such use beforehand. It was subsequently determined that broadcasting of the video of United Regions of Serbia where trademarks of renowned companies were used such as Fiat, Yura, Gorenje, Benetton, Panasonic... without their prior consent represented a violation of the Law on Ad-

vertising. The member of the Council of the then Republic Broadcasting Agency, professor Goran Peković, stated that in that case ***“the Law on Advertising was clearly violated, as spectators were under the impression that those companies supported the United Regions of Serbia”***. The Council requested that televisions which broadcast the video submit to the REM the documentation unequivocally showing that the said companies had given their consent that their trademarks be used in the promotional video of the URS. Although the Law on Advertising requires uniquely the consent of a natural person whose personal property appears in the advertisement, the Council correctly concluded that companies’ trademarks were used in order to mislead the spectators.

However, the difference between nowadays and the year 2012 is the Law on Advertising. The Law in force in 2012 contained a provision clearly prescribing that ***advertisements alluding to others, their registered name, denomination, registered trademark, activity, product or service, using the reputation of the other in order to mislead the recipients of the advertisement is forbidden***. The Law on Advertising that has been in force since 2016 contains provisions that are very difficultly applicable to the field of public advertising.

However, article 11 of the Law **explicitly prohibits a misleading advertisement** that is defined as *every advertisement that in any way, including the manner of display, misleads or is likely to mislead the recipients of such an advertisement due to its misleading nature, and affects their economic behaviour or damages or is likely to damage the competitor of the advertiser*. First of all, by the disputable advertisement, a spectator can be misled to believe that the protection provided to citizens by the healthcare institution is the same as the one provided by the political option that is sending the message. In this way, the voters’ will is manipulated. Besides, in this way other electoral lists are put into an unequal position whose candidates do not carry out managerial functions in public institutions, i.e. the candidates who do not abuse of their public functions.

or a high representative of the electoral list submitter or a candidate, during the campaign preceding the elections for councillors of the Belgrade City Assembly, certain candidates appeared in entertaining programmes of the RTS and TV Prva.

Furthermore, the Rulebook explicitly prohibits that during the campaign a candidate appears in programmes in their capacity of a host, speaker or reporter¹². In spite of that, and on the basis of the aforesaid point of view of the REM that stated that there were no obstacles to his continuous engagement during the campaigning, broadcasting of the “Žikaš Variety Show” was continued on the RTS 1, although the author and host of this show, Živorad Nikolić, was a candidate for a councillor on the electoral list “Aleksandar Vučić – Because We Love Belgrade!”. Besides, in the show broadcast on January 27th 2018, Nikolić invited yet another candidate from the same electoral list – Goran Vesić, who talked not only about the direct topic of the show, during this entertaining programme, but also about different projects realised by the city government during its outgoing term of office.

By the very end of the election campaign, on February 25th 2018, a quiz show “I Love Serbia” was broadcast on TV Prva, featuring candidates for councillors - Siniša Mali, who was the third person on the electoral list “Aleksandar Vučić - Because We Love Belgrade “ and Nikola Nikodijević, the second candidate of the electoral list “Ivica Dačić – Socialist Party of Serbia (SPS), Dragan Marković Palma – United Serbia (JS)“.

Within the rules aiming to prevent a covert recommendation of the candidates, there is a prohibition of appearance of the candidates in the campaign in different entertaining shows produced at least one year before the beginning of the campaign as well as a prohibition that such persons be hosts of any kind of shows. Such prohibitions are separate and have an absolute character. It shall always be considered that such shows are broadcast with the intention of influencing the electoral will of spectators. This is why the CRTA activists addressed to the REM complaints regarding broadcasting of the said contents. However, until the closing of this report, the REM has not informed the complainants about the potential actions.

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PARTICIPATION OF CANDIDATES FOR COUNCILLORS IN TV SHOWS HAVING AN ENTERTAINING CHARACTER

Although article 5, paragraph 2 of the Rulebook on the obligations of providers of media services during the election campaign stipulates that *it is forbidden to broadcast during the election campaign feature, documentary, entertaining and other similar programme contents featuring an official*

12 Article 5, paragraph 4 of Rulebook on the obligations of providers of media services during the election campaign (“Official Gazette of the Republic of Serbia nos. 55/2015 and 90/2017 says the following: “An official or a high representative of the electoral list submitter or a candidate must not appear during the election campaign in programmes of media service providers in their capacity of hosts, speakers, reporters or other similar roles, regardless of the contents and nature of the programme”.

THE WORK OF THE ANTI-CORRUPTION AGENCY IN THE ELECTION PROCESS

The Anti-Corruption Agency, as an independent and autonomous state body, has an important oversight role during the election process. On one hand, it monitors the legality of financing of political entities during campaigning and on the other, it controls the conduct of public officials who are at the same time members of certain political parties. Upon the resignation of Majda Kršikapa in November 2017, there was a public announcement for employment of the new director of the Agency. Dragan Sikimić was selected to this function on January 17th 2018. During the 2016 parliamentary elections, the director of the Agency was a member of a Working Body of the Republic Electoral Commission for the municipality of Zemun upon proposal made by the Serbian Progressive Party¹³, while according to the non-confirmed media information, he resigned his membership in the Serbian Progressive Party the same day he was appointed director.

On January 29th 2018, the Anti-Corruption Agency publicly stated on its website that it had organised monitoring of election campaigns of political entities whose lists for councillors of the Belgrade City Assembly were proclaimed, and that the Agency's observers should work on the field in order to monitor all political entities' activities until the announcement of the final results of the elections held on March 4th.

The Anti-Corruption Agency published on its website the information that "within the activities of controlling the financing of election activities of political entities (coalitions, group of citizens and parties), the representatives of the Anti-Corruption Agency would exercise control over the provided services of advertising of political entities who had the proclaimed electoral lists" which means that the ACAS would gather the information about the leased advertisement space.

The ACAS issued also a statement reminding the political entities that the Law on Financing Political Activities, prescribed maximum value of donation that natural and legal entities may give to political entities in the year in which the elections take place. Maximum value of donation for a natural person shall not exceed 20 average monthly salaries, whereby maximum value of donation of legal entity shall not exceed 200 average monthly salaries.¹⁴ The donation value represents a total value of all pecuniary and non-pecuniary donations.

13 <http://javno.rs/vest/dragan-sikimic-sns-ov-clan-izborne-komisije#.Wl-QfskWqdM.twitter>

14 ACAS: According to the data of the Republic Institute for Statistics, average monthly wages in Serbia in 2017 amounted to 47,893 dinars, so that a maximal donation of a natural person can amount to 957,860 dinars at the most, while a maximal donation of a legal person can amount to 9,578,600 at the most.

SPENDING OF FUNDS FOR CAMPAIGN FINANCING ON HUMANITARIAN AND OTHER ACTIVITIES

During campaigning, political entities often undertake activities that cannot be characterised as the political ones – they organise free medical consultations, provide humanitarian assistance to socially endangered persons, organise excursions for retired people etc.

Article 19 of the Law on Financing Political Activities enumerates activities that can be financed from sources used for financing of their regular activities. They presume: the work with the electorate and membership, costs of transportation and holding gatherings, promotional costs, advertising material and publications, public opinion polls, training, international cooperation, salaries and emoluments for staff, costs of utilities services and expenses related to other similar activities. Additionally, article 23 of the Law stipulates that election campaign costs are costs related to political activities during the election campaign, and that funds raised from public and private sources for financing election campaign costs may be used only for political activities.

This means that the Agency should, in all situations indicating that the funds gathered from either public or private sources are unpurposefully spent – which includes their spending on activities that are not the political ones, initiate proceedings before the competent court, on the basis of relevant evidence.

CONTROL OF THE PUBLIC OFFICIALS' CONDUCT

Within its regular competence, the Agency takes care of the prevention of conflicts of interest. In the course of the election campaign, this competence of the Agency is particularly prominent, since in this period public officials intensively perform their party activities. Namely, although a public official can perform a function in a political party/entity and participate in its activities, they can do so only in a manner that does not jeopardise the discharge of their public duties.

The law explicitly prohibits that public officials use public resources and meetings in which they participate, as well as meetings they attend in their capacity of public officials for the promotion of political entities, except where the reasons for protecting of their personal security require so, and only on condition that such use of public resources is governed by the regulation pertaining to that particular field or by the decision of the services that take care of the safety of public officials.

Furthermore, a public official who was not directly elected by the citizens is obliged to always unequivocally demon-

strate to interlocutors and to the public whether they represent the position of the authority in which they exercise a public function or the position of a political party or a political entity.

The Agency can file a demand for initiation of proceedings against public officials who use public resources for promotion of political parties/entities, as well as against those who fail to unequivocally demonstrate whether they represent the position of the authority in which they exercise a public function or the position of a political party or a political entity, whereas public officials can be fined from 50,000 to 150,000 dinars and a ban to perform specific jobs may be ordered against an official for a period of one year.

The CARTA filed to the Anti-Corruption Agency 35 charges regarding the public officials campaigning, public resources abuse and political subjects' illicit activities, as well as four charges to different inspections (communal and educational). Until the closing of this report, the Anti-Corruption Agency has delivered only five responses rejecting the filed complaints. One of the responses we highlight is the Agency's claim that the deputy mayor/city manager was not a public official and therefore the provisions of the Anti-Corruption Agency Act should not be applied.

PRE-ELECTION PERIOD

CALLING THE ELECTIONS

The President of the National Assembly of the Republic of Serbia Maja Gojković called on January 15th 2018 the elections for councillors for the Belgrade City Assembly as of March 4th 2018 (the elections for councillors of municipal assemblies of Bor, Aranđelovac and Sevojno were simultaneously held). The elections were conducted in a city, i.e. in a municipality as a single constituency, by application of a proportional electoral system, with the vote for one of the electoral lists featuring on the ballot. Voting was conducted in a total of 1,185 polling stations on the territory of the City of Belgrade¹⁵.

The elections for councillors of the Belgrade City Assembly are mainly governed by the Law on Local Elections, whereas all issues that are not explicitly defined by this Law are governed by the Law on the Election of Members of the Parliament. Apart from legal acts, by-laws of the City Electoral Commission are also applied and they define more specifically the very election process and Election Day – the Instructions for Conduct of the Voting for Councillors in the Belgrade City Assembly¹⁶ and The Instructions for the Work of Polling Committees for Conduct of the Voting for Councillors in the Belgrade City Assembly.¹⁷

The deadline for election activities, as well as the deadline for submission of electoral lists (midnight of February 16th) has been prescribed by the Schedule of deadlines for election-related activities.¹⁸

Each electoral list is apportioned a number of seats in proportion to the number of votes received. The mandates are allocated by the City Electoral Commission in accordance with the highest averages method. The mandates are apportioned by dividing the total number of votes received by each separate electoral list by one to the number of councillors that are being elected in the Assembly. The quotients thus arrived at are sorted by size, and the 110 largest quotients are taken into account, as this is the number of councillors that are being elected to the Belgrade City Assembly. Each electoral list receives as many seats as there are winning quotients. The electoral lists having won

at least 5% of the total number of casted votes participate in the allocation of mandates.

Political parties/coalitions of national minorities can take part in the distribution of the seats even if they received less than 5% of the total number of casted votes, as the principle of so-called “natural threshold” is applied to them, which is calculated by dividing the total number of voters who casted their ballots by the number of councillors that are being elected (in this concrete case, in the elections for councillors of the Belgrade City Assembly, 110 councillors are being elected), and this is how the number of votes ascertaining one seat is obtained.

VOTERS' REGISTER

VOTING ACCORDING TO THE PLACE OF RESIDENCE AND DOMICILE

The electoral right (both active and passive) in the Republic of Serbia is based on the citizenship, but also on the domicile. A citizen of the Republic of Serbia enrolled in the voters' register has the right to vote, whereas only a person who has a domicile in the territory of the local self-government unit that is territorially competent for the implementation of modifications in the voters' register can be enrolled therein. One person can only have one domicile. It is possible that besides the domicile, a person has a residence in Serbia or abroad (because they go to school, study or work in a place other than their domicile), but it is impossible that a person has the domicile in two different countries or in two different places in the territory of Serbia.

The domicile is independent of the property right, i.e. an owner of the real estate property does not obtain their domicile automatically at the address of the real estate property they own, especially given that it is possible that one person owns several real estate properties on the territory of Serbia. If the property right was to be accompanied by a domicile, owners of several real estate properties would have several domiciles and would be enrolled in the voters' register at several polling stations, which, naturally, is not possible.

The declaration of domicile supposes an automatic deregistration of a prior domicile in the Serbian territory. When it comes to a person declaring their domicile, their prior domicile not being on the Serbian territory, they have to sign a statement certifying that a domicile in the foreign country territory has been deregistered.

HOW IS IT POSSIBLE THAT DODIK VOTED AT THE LOCAL ELECTIONS IN BELGRADE?

It is unquestionably impossible that the President of the Republika Srpska has a domicile on the territory of the Republic of Serbia and that Belgrade is the place of his

15 The Decision on determining of the polling stations. http://www.beograd.rs/images/data/861d6445dedcb9d987275dda3c82410d_8346654394.pdf

16 http://www.beograd.rs/images/data/6d4ab616193db62b52ebc-045ce60c22d_5839190467.pdf

17 http://www.beograd.rs/images/data/dad13a8232e7a06072a5cac-7491caede_4419779441.pdf

18 http://www.beograd.rs/images/data/e01d6b7bf1010587cb-84586759483fac_2026195864.pdf

personal and professional activities, economic, social and other liaisons proving his permanent connection to the place where he is settled. On the contrary, the centre of his life activities is obviously the Republika Srpska, i.e. Banja Luka. Only after he shall have stopped performing the function he discharges, he might transfer the centre of his life activities to Belgrade and declare his domicile on the territory of Belgrade.

NOTIFICATIONS TO VOTE

A considerable number of citizens came forward asking the CRTA observation mission “Citizens on Watch” about notifications sent on names of people who had never lived at addresses the notification was sent to, of long deceased people or of people who had long changed their place of domicile. Those occurrences had been recorded during the last election process, too.

Such occurrences lead to confusion among citizens and to further distrust in the election process. The presence of fear of vote abuse is evident, especially of votes of people known to have deceased or unable to exercise their voting rights.

NUMBER OF CITIZENS AND NUMBER OF PERSONS ENROLLED IN THE VOTERS’ REGISTER

After several media¹⁹ wrote about an increased number of voters in certain central municipalities (mainly in Vračar and Zvezdara), the CRTA observation mission tried to verify the said statements by directly contacting all Belgrade municipalities as well as the very City of Belgrade. As a matter of fact, the CRTA observation mission used demands for free access to information of public importance as the main mechanism of communication addressed to all 17 Belgrade municipalities in order to obtain the requested number of voters on the day of the receipt of the demand.

The demands were addressed to municipalities in the period from the end of September 2017 to the beginning of February 2018, every month. The following municipalities have not issued a single datum about the number of voters: **Voždovac, Zemun, Lazarevac, Rakovica and Sopot.**

In the case of the remaining municipalities that responded to the CRTA observation mission demands (although not always within the deadlines prescribed by the law), it was concluded that there were no significant deviations in the number of registered voters compared to October, November, December and early February. Within the time sections when demands were filed, the differences in the num-

ber of voters in individual municipalities, from month to month, did not exceed more than a few dozen give or take.

When submitting demands, a certain pattern of behaviour of some municipalities was observed. As the first demands were sent back in mid-October 2017, they had to be repeated, and sent in three more time intervals. On the basis of sending pattern in four time intervals, we can point out the following observations. Two municipalities (Zemun and Sopot) have never responded to any of our demands. On the other hand, there is a certain circle of municipalities that estimate that the information on the number of voters represent an unauthorised giving of citizens’ personal information. Out of a total of 17 municipalities, as many as five fall into this group. The fact that this circle of municipalities refuses to provide the requested information represent a missed opportunity to build and strengthen the confidence of citizens in the election process and institutions.

Since there were as many as seven municipalities that refused to provide the requested information, the CRTA observation mission was forced to lodge complaints to the Commissioner’s services either because of non-compliance or because of misinterpretation of the demands by the city municipalities. When deciding about the lodged complaints, the Commissioner’s services passed a decision imposing to certain municipalities²⁰ to provide the requested information about the number of voters. In their reasoning the Commissioner’s services stated that municipalities unfoundedly refer to relevant articles of the Law on the Unified Voters’ Register according to which the demand filed by the CRTA observation mission could be interpreted as an unauthorised giving of citizens’ personal information. Inter alia, the Commissioner’s services pointed out the following: “...the information about the number of enrolled voters was sought in the said demands, a statistical datum, and not a datum regarding the identity of voters....”.

ELECTION ADMINISTRATION

STATUS OF INDEPENDENT OBSERVERS AT THE BELGRADE LOCAL ELECTIONS

On the same day the elections were called, the City Electoral Commission (CEC) adopted *the Instructions for the Conduct of the Voting*²¹. The adoption of the Instructions by the Commission is important as the election legislation does not define the status and the process of observers’ accreditation. The only legal act that regulates the matter essential for monitoring of the election process and the very Election Day is a by-law - the Instructions for the Conduct

19 <http://rs.n1info.com/a332587/Vesti/Vesti/PSG-Povecan-broj-gradjana-na-Vracaru-i-Zvezdari-pred-izbore.html> i <http://mondo.rs/a1045951/Info/Beograd/Pokret-Sase-Jankovica-izbori-Beograd-ve-ci-broj-glasaca.html>

20 Due to limited capacities of the Commissioner’s services, some decisions following lodged complaints have not been pronounced.

21 http://www.beograd.rs/images/data/6d4ab616193db62b52ebc-045ce60c22d_5839190467.pdf

of the Voting. These Instructions keep being passed on by the competent electoral commission separately for each election process.

The Instructions for the Conduct of the Voting for Councillors for the Belgrade City Assembly defines the status of observers within a special chapter (namely, chapter XII. *Monitoring of the work of bodies in charge of the conduct of the elections*) that comprises a total of six relevant articles. The Instructions regulate the observers' accreditation process, as well as the position of observers during the election process and on the Election Day.

Unlike the Republic Electoral Commission (REC), the City Electoral Commission did not publish application forms for organisations - observation missions that monitor bodies in charge of the conduct of voting. This is why the CRTA observation mission filed its own application for monitoring the elections on January 16th 2018 on forms containing the same data about persons declared for monitoring of the work of the election administration bodies required for the accreditation of the REC's observers (first name, surname, identity card number and police administration).

According to the Instructions for the Conduct of the Voting for Councillors in the Belgrade City Assembly²² (article 62), an Excerpt from the Association Register and the list of persons applying for observers must be enclosed with the application for monitoring the work of the election administration bodies (domestic observers). After establishing the fulfilment of the conditions for monitoring the work of the election administration bodies, which in the case of the organisation "CRTA" was established, the REC issues the appropriate authorisation to the applicant, as well as the appropriate accreditation to the domestic and foreign observers, in which the necessary data from the list enclosed with the application are entered.

Although at the fourth session held on January 17th 2018²³ the City Electoral Commission established that organisations "Centre for Free Elections and Democracy – CESID" and "CRTA" fulfilled the work of the City Electoral Commission remained closed to the observers and to the media in the first month of campaigning. The reason thereof was that neither media nor domestic observers received accreditations by the Commission. In addition to these two organisations, "YUCOM", "Citizens on Watch" and "Defence of Citizens' Electoral will" also filed applications for monitoring the work of the election administration bodies.

Consequently, the City Electoral Commission is obliged to

issue the accreditations to the persons proposed for monitoring of its work but it did not do so for 25 days following the establishment of the CRTA's fulfilment of conditions required for domestic observers in the election process. In this way, the provisions of the Instructions for the Conduct of the Voting were violated which prevented observation mission from monitoring the work of the City Electoral Commission.

Given the significance of the election process and the principle of publicity of the work of the election administration, it should be pointed out that the Commission did not allow the media to attend the sessions, although the publicity of the work of the CEC was defined in article 18 of the Rulebook on the Work of the CEC.²⁴

Since the CEC session held on January 17th, there have been 13 more sessions, i.e. more than 25 days of the electoral campaign have gone by in absence of the CRTA authorised observers, as the City Electoral Commission did not issue the accreditation to the CRTA observers despite the obligation to do so.

On the seventh CEC session held on January 26th, forms for Authorisations for monitoring the work of the election administration bodies in charge of the conduct of voting for councillors for the Belgrade City Assembly and the Accreditations for monitoring the work of the election administration bodies were adopted.

On Friday, February 9th, the CRTA observation mission was informed by phone that it should submit for each observer declared for monitoring of the work of the election administration bodies also the following: their unique master citizens' number, domicile address, residence address, and a photograph. On Monday, February 12th, in yet another phone call, the CEC informed the CRTA that it was not necessary to submit photos of polling station committees' observers (the polling stations on the Election Day).

.....

Bearing in mind such conduct of the City Electoral Commission (CEC), it convenes to mention that the following is stated in article 65 of the Instructions for the Conduct of the Voting: ***"After establishing the fulfilment of the conditions for monitoring the work of the election administration bodies, the City Electoral Commission issues the appropriate authorisation to the applicant, as well as the appropriate accreditation to the domestic and foreign observers, in which the necessary data from the list enclosed with the application are entered."***

22 http://www.beograd.rs/images/data/6d4ab616193db62b52ebc-045ce60c22d_5839190467.pdf

23 <http://www.beograd.rs/lat/gradska-izborna-komisija/1744460-sednice-gradske-izborne-komisije--saopstenja/>

24 http://www.beograd.rs/images/file/7e6067ced063a6e96dcb2f7b-51fa9a69_6475314397.pdf

Therefore, the very Instructions foresee that after establishing the fulfilment of the conditions, the CEC issues authorisations and accreditations to the applicants, not specifying the deadlines, or additional conditions. Besides, it is impossible to lodge an objection against the Instructions in the process of protection of the electoral right. As a matter of fact, the Instructions themselves are a general by-law that cannot be refuted by an objection, as it does not concern irregularities in the process of announcing of candidacies, implementation, determining and announcing of the election results.

Since the CRTA had not been allowed to monitor the work of the City Electoral Commission for a month, i.e. a total of 18 sessions, it was not possible to assess the legality of the decisions taken during these sessions, except for the treatment of applications for observation of the work of the election administration bodies. As it was impossible to monitor 18 sessions, a review of the work of the City Electoral Commission is partly based on data taken from the City Electoral Commission's internet portal²⁵.

As the elections took place on March 4th and due to different electoral activities of the CEC before and after the Election Day, we shall divide the observed period into two parts in order to present a neat layout of the situation, the first one being from February 25th to March 4th and the second one comprising the post-election period.

THE WORK OF THE CITY ELECTORAL COMMISSION IN THE PRE-ELECTION PERIOD

In the pre-election period, the CEC held a total of 28 sessions, 18 being held without the observers.

From February 25th to March 2nd three sessions were held featuring the following activities: deciding on the appearance, contents and number of ballots, adoption of the Decision on appointing members and deputy members of polling station committees in the extended compositions, passing of a Decision on determining and announcing the final number of voters in the City of Belgrade according to which 1,606,931 persons had the right to vote.

OVERVIEW OF THE WORK OF THE CEC PER SESSION IN THE PRE-ELECTION PERIOD:

At the 26th session, held on February 25th, the City Electoral Commission adopted the following acts: the Decision on the

²⁵ <http://www.beograd.rs/lat/gradska-izborna-komisija/1744410-lokalni-izbori-2018/>

format and the number of ballots; The Decision on the appearance and the colour of ballots and the colour of the control ballot for verification of the ballot box regularity and the Decision on the contents and the appearance of the ballot.

At the 27th session, held on February 28th, the CEC unanimously adopted the Decision on the supplement of the Decision on the appointment of the coordinator of the City Electoral Commission. It also adopted the complementary decision on the appointment of the president and members of the polling station committees and their deputies in the permanent composition for the conduct of the vote for councillors of the Belgrade City Assembly. The CEC unanimously adopted the Decision on the appointment of the members and deputies members of the polling station committees in the extended composition.

At the 28th session, held on March 2nd, the CEC unanimously adopted the Decision on determining and announcing the final number of voters in the City of Belgrade according to which 1,606,931 persons had the right to vote. The CEC unanimously adopted the complementary decision on the appointment of the president and members of the polling station committees and their deputies in the permanent composition for certain polls in the municipality of Zemun..

THE WORK OF THE CITY ELECTORAL COMMISSION IN THE POST-ELECTION PERIOD

In the post-election period, the most important item of the CEC work was the announcement of the final results according to which only four electoral lists out of 24 that had participated in the electoral run won seats, i.e. passed the threshold. The electoral lists "Aleksandar Vučić – Because We Love Belgrade!" won the majority of seats – 64 mandates, followed by "Dragan Đilas – Belgrade decides, people wins" with 26 mandates, "Aleksandar Šapić – THE MAYOR" – 12 mandates and "Ivica Dačić – Socialist Party of Serbia (SPS), Dragan Marković Palma – United Serbia (JS)" 12 mandates.

Interestingly, after the announcement of the election results, the extended composition of the CEC was dismissed although the deadlines foreseen for lodging complaints had not expired. The consequence of this decision is that one session was held without the members of the extended composition and their deputies. They were convened to the next session when the first complaints started to arrive.

After the closing of polls, **205 objections** were filed and **94 complaints lodged to the Administrative Court**.

The City Electoral Commission adopted the **Decision on repeating the elections at four polling stations in the Municipality of Stari grad**.

OVERVIEW OF THE WORK OF THE CEC PER SESSION IN THE POST-ELECTION PERIOD:

At the 29th session, held on March 5th, the Minutes on the work of the City Electoral Commission on determining of the results of the election for councillors in the Belgrade City Assembly. The Commission confirmed having received the electoral material from all 1,185 polling station committees. The total number of ballots contained in the boxes was 814,130, with 12,969 invalid ones. Consideration and adoption of the one proposal of the Decision for overruling an objection as unfounded.

At the 30th session, held on March 6th, the CEC adopted the Decisions overruling 77 objections. 62 objections filed by the electoral list “Let’s Free Belgrade – DS, SDS, NS” were overruled as unfounded, whereas 15 objections were overruled as they were filed by unauthorised persons. The electoral list 7 “Enough is Enough! and DVERI – For these to go, and for those not to return“ filed a request to inspect the entire election material and to obtain the certified copies of the Minutes on the work of all 1,185 polling station committees. The CEC formed a work group that should propose how to proceed upon this request.

At the 31st session, held on March 7th, out of 104 objections, 103 were overruled as unfounded, whereas one was sustained and the elections at polling stations 2, 21, 37 and 40 in the municipality of Stari grad were declared void by a Decision. The reason for the annulment of the election is the irregularity in determining the election results by the polling station committee, which is why the polling committees were dissolved and the voting was repeated at these polling stations. Observers were not informed of the holding of this session. Also, members of the extended composition of the CEC were not invited to this session so that the meeting was attended only by members of the permanent composition who made decisions about the items of the agenda.

At the 32nd session, held on March 9th, it was decided about two objections. One was overruled as untimely, while the other as unfounded. At this session, the CEC adopted the proposal for the Decision on the supplement of the Decision on fees, material and other expenses related to the conduct of elections for councillors of the Belgrade City Assembly, called for March 4th. Under miscellaneous, the President of the CEC informed the present that the work group had reached a decision regarding the request of the electoral list 7 “Enough is Enough! and DVERI – For these to go, and for those not to return“, and that Vojin Biljić would be granted access to the entire electoral material.

At the 33th session, held on March 10th, the CEC decided on 14 objections, and 12 were overruled as unfounded and

two were rejected.

At the 34th session, held on March 11th, two objections were overruled as unfounded.

At the 35th session, held on March 12th, two objections were overruled as unfounded.

At the 36th session, held on March 13th, the CEC adopted a unanimous Decision on calling the repeated elections at polling stations 2, 21, 37 and 40 in the municipality of Stari grad where 5,384 citizens had the right to vote. One objection was overruled as untimely.

At the 37th session, held on March 15th, the CEC adopted the Decision on forming of polling station committees for the conduct of the repeated elections and on the appointment of president, members and deputy members in the permanent composition and the Decision on the appointment of polling station committees in the extended composition.

At the 38th session, held on March 18th, the CEC established that the results of the repeated elections had not influenced the determined results of the elections and then determined the final results of the elections. On the repeated elections at these polling stations, 26.63% of the total number of voters casted their ballots.

At the 39th session, held on March 20th, the CEC overruled two objections as unfounded..

**NOVELTIES IN THE INSTRUCTION
FOR THE CONDUCT OF THE VOTING**

In contrast to the presidential elections and to the election for MPs that are conducted by polling station committees and the Republic Electoral Commission (REC), the bodies in charge of conducting the election for councillors for the Belgrade City Assembly are the City Electoral Commission (CEC) and polling station committees.

The Instructions for Conduct of the Voting for Councillors in the Belgrade City Assembly, that the City Electoral Commission adopted at the session held on January 15th 2018 in a large number of provisions resembles to the 2017 Instructions. However, they comprised certain spec-

ificities given the fact that the elections were conducted at the local and not on the state level. Automatically, all activities undertaken by the Republic Electoral Commission were carried out by the City Electoral Commission.

The CEC passed on January 26th the Instructions on the Work of Polling Station Committees in the conduct of the voting for councillors of the Belgrade City Assembly.

We shall present hereunder the main differences in the election process emanating from the Instructions for the Conduct of the Voting for President of the Republic from 2017 and the Instructions for the Conduct of the Voting for councillors of the Belgrade City Assembly from 2018.

INSTRUCTIONS FOR THE CONDUCT OF THE VOTING

DIFFERENCE/ QUESTION	ELECTIONS 2018	ELECTIONS 2017
Introductory provisions of the Instructions	These Instructions define more precisely the procedure of the conduct of the voting for councillors of the Belgrade City Assembly	These Instructions define more precisely the procedure of the conduct of the voting for the President of the Republic.
Conditions for members and deputy members of the CEC in its extended composition	<p>Only a person having the electoral right and a domicile on the territory of the City of Belgrade can be appointed.</p> <p>According to article 14 of the Law on Local Elections "Eligible for President, Deputy President, Secretary and Deputy Secretary of the Electoral Commission shall be any person who is a graduated jurist".</p>	A person who has the electoral right and who is a graduated jurist can be appointed member.
Composition of the polling station committees in their permanent standing	The polling station committee in its permanent composition shall consist of the president, four members and their deputies.	<p>The polling station committee in its permanent composition shall consist of the president, two members and their deputies.</p> <p>It is emphasised that when determining the proposals for candidates for president and deputy president of the polling station committee, the parliamentary group should give precedence to a person who has acquired high education and who has experience in the conduct of the voting.</p>
Training of the polling station members in their permanent standing	<p>The coordinators of the CEC together with presidents/deputy presidents of city municipalities are held to perform in a timely fashion trainings of all presidents, deputy presidents, members and deputy members of the polling station committees in the permanent composition from the territory of the municipality they are appointed to.</p> <p>These Instructions do not foresee the obligation of the CEC coordinators and presidents to submit a written report on a performed training.</p>	The working body is held to submit a written report on a performed training to the REC that should include the data about time and place of training, person who conducted the training, names of present members and deputy members of the polling station committee, a short overview of the training course and issues potentially evaluated as disputable.
Notification on time and place of the voting	Delivering of notifications to voters in Belgrade about the day and time of the voting and the address of the polling station they vote at and the number under which they are enrolled in the excerpt from the voters' register.	In addition to delivering of notifications about the day and time of the voting and the address of the polling station they vote at and the number under which they are enrolled in the excerpt from the voters' register, in cooperation with the public service broadcaster RTS and the printed and electronic media, the REC notifies the voters about the ways they can exercise their electoral rights.
Logic and calculation errors	<p>First case: If it is determined during the handover of the electoral material between members of a polling station and the CEC coordinator in the municipalities' premises that there are logic and calculation errors in the Minutes on the work of the polling station committees resulting from an obvious omission in the filling of the Minutes and that do not influence the determination of the election results, in cooperation with a present member of the expert service in charge of statistics, the coordinator of the City Electoral Commission is authorised to change and initial the change of such omissions together with a present member of the polling station. (There is no exhaustive list enumerating what can be considered an omission that does not influence the determination of the election results.)</p> <p>Second case: If it is determined during the statistical treatment of data in the premises of the City Electoral Commission by an expert service of the CEC in charge of statistical treatment of data, that there are logic and calculation errors in the Minutes on the work of the polling station committees resulting from an obvious omission in the filling of the Minutes that have not been previously corrected, and that do not influence the determination of the election results, in cooperation with a present member of the expert service in charge of statistics, the CEC president or its deputy president is authorised to correct such errors and initial the change of the omissions.</p> <p>Difference: in the Instructions for local elections, it is not specified what is to be considered "an omission".</p>	<p>If there are logic and calculation errors in the Minutes on the work of the polling station committees resulting from an obvious omission in the filling of the Minutes and that do not influence the determination of the election results, in cooperation with representatives of the Institute for Statistics the Republic of Serbia, the coordinator of the Republic Electoral Commission is authorised to change and initial the change of such omissions if in the Minutes on the work of the polling station committees:</p> <ol style="list-style-type: none"> 1) the total number of the registered voters is not recorded; 2) the recorded number of registered voters is lower than the number of voters recorded in the voter register and than the number of voters who voted, and all the other results of the vote are logically and mathematically correct; 3) the number of the valid ballots was not recorded, and the sum of the number of invalid ballots and the number of votes which is individually assigned to each presidential candidate is equal to the number of ballots which are located in a ballot box; 4) the number of invalid ballots is not entered, and the sum of the number of votes that is individually assigned to each candidate for the President of the Republic is equal to or lower than the number of ballots which are located in a ballot box; 5) the number of ballots received does not equal the sum of unused ballots and the number of voters who casted their votes, but all other voting results are logically and mathematically correct.
Monitoring of election administration bodies in charge of the conduct of the voting	<p>Interested registered associations the objectives of which are realised in the area of elections that wish to monitor the work of bodies in charge of the conduct of the voting for councillors of the Belgrade City Assembly shall file an application to the CEC. One observer ahead of an association can attend the session of the CEC. One observer ahead of an association can observe the work of a single polling station committee.</p> <p>The fulfilment of conditions for monitoring of the work of election administration bodies is established by the chairperson of the CEC session.</p>	Interested registered associations the objectives of which are realised in the area of elections that wish to monitor the work of bodies in charge of the conduct of the voting for the President of the Republic shall file an application to the Republic Electoral Commission. No more than two observers ahead of the same association can simultaneously attend the session of the Republic Electoral Commission. Two observers ahead of the same association cannot simultaneously observe the work of a single polling station committee.

**INSTRUCTIONS FOR THE WORK OF POLLING STATION COMMITTEES
IN THE CONDUCT OF THE VOTING**

DIFFERENCE/ QUESTION	ELECTIONS 2018	ELECTIONS 2017
Reception of the electoral material	Coordinators of the City Electoral Commission hand over the electoral material for the conduct of the voting to the polling stations committees.	Working bodies and city/municipal administrations hand over the electoral material for the conduct of the voting to the polling stations committees.
Determining of the voters' identity	<p>The polling station committee establishes on the basis of a valid identity card or a passport stating the unique master citizen's number.</p> <p>It is possible to vote with an expired identity card if the voter presents the attestation delivered from the Ministry of Interior confirming that they have submitted a request for the issuing of the new identity card. Difference: It is not foreseen to vote with a driver's license.</p>	<p>The polling station committee establishes on the basis of a valid identity card, passport or a driver's license stating the unique master citizen's number.</p> <p>It is possible to vote with an expired identity card if the voter presents the attestation delivered from the Ministry of Interior confirming that they have submitted a request for the issuing of the new identity card.</p>
Assistance during the voting	The solution is the same as in 2017, but it is explained that the assistant cannot be a member of the polling station committee.	Zainteresovana registrovana udruženja čiji se ciljevi ostvaruju u oblasti izbora koja žele da prate rad organa za sprovođenje izbora za predsjednika Republike podnose prijavu Republičkoj izbornoj komisiji. Sednici Republičke izborne komisije ne može istovremeno da prisustvuju više od dva posmatrača ispred istog udruženja. Rad pojedinog biračkog odbora ne mogu istovremeno pratiti dva posmatrača ispred istog udruženja.

FILING COMPLAINTS ELECTRONICALLY

Another novelty is the possibility to submit complaints electronically. One of the recommendations of the CRTA observation mission after the completion of the 2017 election process was the possibility to initiate the electoral right protection proceedings (lodging of objections and complaints) electronically. The recommendation referred to enabling all stakeholders who had the right to their electoral right protection to exercise their right by filing objections/complaints via email in accordance with provisions of the new Law on Administrative Procedure. Knowing that the Law on Administrative procedure came in force in its entirety after the completion of the 2017 election process, the CRTA observation mission initiated during the 2018 election process procedures to protect the electoral right electronically. Objections and complaints filed electronically were accepted by the City Electoral Commission and by the Administrative Court as relevant and valid, the same as in the case of filing of such objections and complaints by mail or by submitting to the records office. Consequently, we can conclude that one of the recommendations given by the CRTA observation mission was accepted thanks to the adequate application of the new Law on Administrative Procedure.

Until 2018, it was impossible to protect one's electoral right by sending an objection to electoral commissions or a complaint to the Administrative Court via email. Namely, until the new Law on Administrative Procedure came into force (June 1st 2017), the procedure to protect the electoral right could have only been initialised in a written form (by mail or by submitting objections/complaints to the records office). Nonetheless, the new Law on Administrative Procedure foresees the possibility to communicate electronically with the entire state administration and other state bodies. Consequently, electoral commissions and the Administrative Court should, according to the new Law on Administrative Procedure, act on objections/complaints received electronically in the same way they act on those sent by mail or submitted in person through record offices. In order for all electoral actors to use this possibility, it is only necessary that the objection/complaint sent electronically be in accordance with the Law on Administrative Procedure, i.e. to bear a qualified electronic certificate (electronic signature).

The reason why it is important to enable the sending of objections/complaints by electronic means is because the deadlines envisaged by the electoral legislation are extremely short. The deadlines in the electoral legislation foresee the possibility of initiating the procedure for the

protection of electoral rights within 24 hours (or up to 48 hours in the case of the national elections) from the moment when a decision has been made, when an action has occurred or when an omission has been made. Furthermore, sending objections/complaints by electronic means is important because one part of voters who live in certain territories of the Republic of Serbia, where the elections are held, are unable to protect their electoral rights due to such short deadlines, as there are no adequate institutions that enable sending of objections/complaints through a post office.

The CRTA observation mission initiated during the 2018 election process procedures to protect the electoral right electronically, in accordance with provisions of the new Law on Administrative Procedure. Objections and complaints were filed via email bearing the electronic signature. In all cases, the CEC and the Administrative Court acted in accordance with the Law on Administrative Procedure, i.e. accepted all lodged objections and complaints as valid, as if they had been sent by mail or delivered directly to the records office. Consequently, we can conclude that one of the recommendations given by the CRTA observation mission was accepted thanks to the adequate application of the new Law on Administrative Procedure. In this way, citizens shall be able to protect their electoral rights more efficiently and easily which shall contribute to the return of the citizens' trust in the election process.

VOTING FOR THE BLIND AND VISUALLY IMPAIRED

In accordance with the Constitution, the Law on the Election of Deputies and the Law on Local Election, the voting is secret. However, an entire category of citizens cannot exercise their electoral right in such a way as to meet the condition of secrecy of voting. All blind and visually impaired citizens of Serbia fall into that category. Article 72 of the Law on the Election of Members of the Parliament foresees that a person who is not able to vote at the polling station has the right to bring along a person who shall instead of them and in the manner determined by them, fill-in the ballot paper, i.e. cast a vote. This article of the Law is applied to the local elections as well.

During the elections for councillors of the Belgrade City Assembly, held on March 4th, a number of blind and visually impaired persons expressed their resentment by this way of voting, emphasising that their right to a secret vote is violated.

As early as during the local, parliamentary and presidential elections in 2012, the Ombudsman recommended that certain legal modifications be introduced that should enable blind and visually impaired persons to secretly vote using special patterns. To this day such modifications have

not been carried out although Serbia ratified several years ago the Convention on the Rights of Persons with Disabilities. After the City Electoral Commission session when the final election results were announced, the president of the CEC expressed his dissatisfaction with the current legal solutions and promised that the competent services would do everything in their power to solve this problem until the next election process.

There are few options for solving the problem in voting of blind and visually impaired persons – audio recordings, the Braille alphabet or a special pattern thanks to which the voters would be able to vote on regular ballots. If blind and visually impaired persons voted on special ballots printed on the Braille alphabet, the secrecy of their votes would not be assured because it would be very easy to demine to whom they voted due to a small number of such ballots. However, if a special pattern were manufactured for the voting on regular ballots (this solution was already applied in Croatia), the secrecy of the voting would be ensured. By the application of such a pattern, the blind and the visually impaired would vote on regular ballots using special patterns with holes thanks to which they would be able to discern the number of the electoral list they wish to vote for and to circle that number without any help.

It is preferable that such inequality of blind and visually impaired persons be eliminated without ado.²⁶

VOTING IN PRISONS

Inmates who are in detention units in the District Prison in Belgrade and who have the right to vote in the elections for the Belgrade City Assembly could not exercise this right. According to the information that the CRTA obtained at the 19th session of the City Electoral Commission held on February 15th 2018, voting within the Institute for the Execution of Criminal Sanctions was not foreseen. The president of the CEC informed the present that the Ministry of Justice had informed the Commission that conditions for voting within the correctional facility had not been met. In this way the Ministry of Justice and, above all, the CEC, violated the provisions of article 58 of the Law on Local Elections and article 72b of the Law on the Election of Members of the Parliament. According to this, all inmates who are in detention within a correctional facility on the Election Day, shall be denied the electoral right prescribed in article 52 of the Constitution.²⁷

²⁶ <http://rs.n1info.com/a369165/Bg-Izbori/Slepi-i-slabovidi-Uskraceno-pravo-na-tajnost-izbora.html>

The president of the CEC filed an initiative to establish, until the next elections, a system that shall enable the blind and visually impaired to secretly vote.

²⁷ All citizens of the Republic of Serbia of age and work ability have the right to vote and be elected.

The Law on the Election of Members of the Parliament (the Law) foresees that the Constitution-guaranteed active electoral right on the Election Day can be exercised by all citizens of age and work ability, having a domicile in the Republic of Serbia. In accordance with article 72b, a special voting regime is foreseen for voters who in detention or in a correctional facility: *“The Republic Electoral Commission shall determine special polling stations within the correctional facility and designate the polling committee members for both its permanent and extended composition. Persons working in the Ministry in charge of the judiciary and persons who vote in the correctional facilities cannot be part of the polling committee composition.”*

Bearing in mind that the Belgrade elections are conducted uniquely on the territory of the City of Belgrade, the relevant legal framework inherent to the Law on Local Elections does not stipulate a special voting regime for any of the voters’ categories. However, article 58 of the Law on Local Elections foresees the application of the Law on the Election of Members of the Parliament in case that the Law on Local Elections itself did not regulate a stage/category of the election process. A special voting regime, which is prescribed by the Law on the Election of Members of the Parliament, falls under the part of the law regulating the category of voters who cast their ballots on the Election Day.

Having in mind all relevant provisions of both laws regulating voting on the Election Day, the City Electoral Commission prescribed in article 35 of the Instructions that polling stations within a correctional facility are established upon a proposal put forward by the Ministry of Justice. The CEC took a step further and outlined the composition of the polling station committee in such institutions in article 12²⁸.

CONTROVERSIAL ELECTORAL LISTS AND DECEIT OF VOTERS

In this election process, as well as during the extraordinary parliamentary elections in 2016, there were “controversial” electoral lists, for which there are reasonable doubts that they participate in the election process in an unlawful manner or deliberately avoid/ignore the election rules and procedures, thus misleading the voters. The existence of such lists pointed to all shortcomings of electoral laws and procedures in Serbia. The CRTA observation mission shall

28 Article 12: *Members of the polling station committees in their standing composition within the correctional facility shall be appointed by the Ministry of Justice proposal. Persons working in the Ministry of Justice and persons who vote in the correctional facilities cannot be part of the polling committee composition. The Ministry of Justice submits to the City Electoral Commission proposals for appointing members in the standing composition of the polling station committees within the correctional facilities in accordance with the Deadline stipulated by the Schedule.*

present hereunder the electoral lists whose appearance was marked by a suspicion of violating the laws or a misuse of procedures: “Enough is Enough of Robbery, Corruption and Thievery – Radulović Milorad”, “None of the Above”, “Belovgrad” and “Republican Party”

THE PROCLAIMING OF THE LIST “ENOUGH IS ENOUGH OF ROBBERY, CORRUPTION AND THIEVERY – RADULOVIĆ MILORAD”

The proclaiming of the list “Enough is Enough of Robbery, Corruption and Thievery – Radulović Milorad” draw the attention of the public due to the fact that the name of this list was quite similar to the name of a previously proclaimed list “Enough is Enough and – For these to go, and for those not to return”. The question was raised whether this list with such a name could mislead voters in elections on March 4th and whether it was an abuse of the name of an already existing political entity. At the 21st session held by the CEC on February 17th 2018, the CEC members were deciding on the proclamation of the electoral list “Enough is Enough of Robbery, Corruption and Thievery – Radulović Milorad”. The CEC proclaimed the said list by the majority of votes of the present members (5 members were against and 1 abstained) under number 23.

The CRTA observation mission believes that the CEC did act appropriately when deciding on the proclaiming of the said list by not referring to article 28, paragraph 3 of the Instructions for the Conduct of the Voting that, inter alia, stipulates that the “name of a citizens” group cannot have the word “party” in any grammatical case, or a name or a short name of a registered political party“. The movement “Enough is Enough” is not a registered political party, and this is why the aforesaid article of the Instructions cannot apply to the use of this Movement’s name.

However, what was particularly striking is the fact that the holder of the electoral list “Enough is Enough of Robbery, Corruption and Thievery – Radulović Milorad” is a deputy president of the municipality of Zemun²⁹ and that, according to unconfirmed information, he is a member of the Serbian Progressive Party. The said list participated in the elections for the Municipal Assembly of Zemun in 2016 and won 1.58% of votes.

The existing laws and by-laws do not foresee any provisions that concern or sanction misleading of the voters caused by similarity of the lists’ names or by any other kind of abuse, other than the provisions restricting the use of the party’s name.

29 Official website of the Municipality of Zemun, assistants of the president of the Municipality: <https://goo.gl/aoqTna>

THE PROCLAIMING OF THE LIST OF THE REPUBLICAN PARTY

At the 20th session held on February 17th the City Electoral Commission proclaimed the electoral list “Republican Party – Republikánus párt – Nikola Sandulović” under number 17. This party is registered as a minority party which means that it needs to pass over the “natural threshold” in order to have a candidate in the City Assembly.

The appearance of this party at various levels of elections is also accompanied by controversies. Speaking of their political programme, although registered as a party of the Hungarian national minority, the public is not aware of the views or policies of this party regarding the protection or promotion of the rights of the Hungarian national minority. During the process of handing over of the electoral lists for early parliamentary elections in 2016, it was found that this party had attached approximately 900 falsified statements of voters’ support.

During the 2016 election process (extraordinary parliamentary elections), the Republic Electoral Commission (REC) established that there were more than 15,000 falsified statements of voters’ support filed by six submitters of lists.³⁰ The representatives of the Unified Russian Party withdrew their application during a meeting with the REC representatives and pointed to the fact that they had not collected the signatures on their own but that they had referred for help to a party having a stronger political structure - the Republican Party. During the ulterior verification, it was established that approximately 900 voters; statements had been validated by a copy of the seal of the First Basic Court in Šabac, which was also the case of the Unified Russian Party. As this electoral list had already been proclaimed and as the deadlines had expired, the decision on the proclamation of the Republican Party was irrevocable in accordance with the Law and with the Administration Court standpoint that extraordinary legal means cannot be applied to the electoral matter. Such situation caused a legal nonsense that the electoral list which was found to have falsified voters’ statements and failed to fulfil the condition regarding the number of 10,000 signed and legally valid certified voters’ statements given in support to a particular electoral list, was found in the election race and thus gained the opportunity to have representatives in the National Parliament. The list obtained 4,522 votes at the 2016 parliamentary elections, i.e. 0.12% of casted ballots.

30 Unified Russian Party, October 6th for All of Us, VMDK Hungarian Movement for Changes, It’s Only Us – Natural Movement - Vladimir Zaharijev, TOLERANCE, Roma Party – Bunjevac Citizens of Serbia and Republic Party.

THE PROCLAIMING OF THE LIST “NONE OF THE ABOVE”

The list “None of the Above” (NOPO) participated in the election for councillors of the Belgrade City Assembly although the process of proclaiming of this list at the CEC session was accompanied by a discussion regarding the stated imaginary professions of the candidates featuring on the list, such as: a refugee, a little flower, grandma, enchantress, Sherpa, a spy, an erotic masseur, etc.

The electoral list “None of the Above” was submitted on the last day of the time period provided for submission of lists – February 16th, by a political party of the Vlachs minority bearing the same name as the electoral list. The submitters of the electoral lists handed over a legally valid documentation containing, inter alia, 1389 valid supporters’ signatures. Knowing that the said electoral list did not contain deficiencies preventing its proclaiming, the CEC president proposed its adoption. The list was adopted under number 20, with 19 votes (10 members were against the proclaiming and there was 1 abstention).

Nonetheless, it convenes to point out that this political party was associated with controversies in the previous election cycle. The “None of the Above” was deleted from the Political Organisations Register in 2010, but the same year, this party registered as the Vlachs national minority party. It participated on the parliamentary elections in 2012 and won 0.59% which turned out to be enough for one seat in the Parliament of Serbia. The NOPO was the first party who had appeared as a minority one but that does not have a political platform referring to protection and promotion of the rights and position of the national minority it represents.

THE PROCLAIMING OF THE LIST “LJUBIŠA PRELETAČEVIĆ BELI (WHITE TURNCOAT) – BECAUSE WE LOVE BELOVGRAD”

The proclaiming of the list “Belovgrad” drew the public’s attention as well as in the previous election process³¹, this time because in a matter of a few hours, the holder of the list was transformed from an imaginary character into a real citizen – having an identity card and the electoral right. The citizens who gave support to this list by their signatures actually supported a non-existing holder of the list, only to see that a “new” and this time quite a real holder appeared after the change in his name. The CRTA observation mission considers that in this case the citizens - voters’ were misled. The citizens believed to be giving their support to one list and its holder, only to find out at the end of the process that the holder was actually changed. All fur-

31 (2017 Presidential elections, when Luka Maksimović was a candidate for president under the name Ljubiša Preletačević Beli – Ljubiša White Turncoat)

ther occurrences regarding the change in the name of the list's holder draw attention to the questionable legitimacy of the whole process of identity change.

Pursuant to the verdict brought by the Administrative Court under UŽ 22/18, as of February 20th, the CEC decision proclaiming the electoral list of the group of citizens "Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad" was annulled. Namely, after an appeal lodged by the voter M.A. from Belgrade, the Administrative Court annulled the decision on proclaiming of the electoral list and ordered to the electoral list to repair all deficiencies. It was determined in the verdict passed on by the Administrative Court that while proclaiming the electoral list "Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad" the CEC had not acted in accordance with article 22 and article 19 of the Law on Local Elections. As a matter of fact, the aforesaid articles stipulate that when submitting the list, the submitters must attach to the documentation the candidate's written statement of acceptance of the candidacy with valid personal data. Furthermore, the name of the electoral list may include only one name and surname of the person nominated by the citizens' group as the holder of the electoral list.

Acting in accordance with the verdict pronounced by the Administrative Court, at the 23rd session, the CEC adopted a conclusion imposing to the electoral lists of the citizens' group "Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad" to make an annex to the agreement within 48 hours determining the name of the electoral list. If a holder of the list is to be determined by the annex to the agreement, their name and surname must be specified as well as their written statement of acceptance of the candidacy on the form SGB-3/18. Bearing in mind that the electoral list does have a name of its holder, who is Ljubiša Preletačević Beli, it is necessary to submit his written statement of acceptance of the candidacy. In case that the electoral list does not submit the written statement of acceptance of the candidacy of the holder, it shall convene to rename the electoral list, which shall require gathering of the entire documentation from the beginning, as well as collecting again all supporters' signatures.

Afterwards, at the 23rd CEC session held in the morning of February 21st, a conclusion was adopted ordering to the electoral list to repair within 48 hours all deficiencies impeding the proclamation of the list. Acting according to the conclusion passed by the CEC, during the day, the electoral list repaired all deficiencies impeding its proclamation.

Therefore, Ljubiša Preletačević Beli, was held to obtain within 48 hours the following documentation so that his list could be proclaimed:

- The Annex to the agreement determining the name of the electoral list, and possibly the name

of the holder of the electoral list;

- The Annex to the agreement must be validated by a notary public;
- The modified electoral list for councillors;
- The written statement of the list's holder of acceptance of the candidacy (form SGB 3/18);
- The written statement of acceptance of the candidacy must be validated by a notary public;
- The change in personal name/name and surname (Demand for change of the personal name, Statement of change in personal name, Excerpt from Birth Register, Certificate of Nationality, Certificate of Domicile (delivered by the Police Administration of the City of Belgrade, 12a, Ljermontovljeva Street), Certificate of paid annual taxes (delivered by the Public Revenue Office in Mladenovac), Certificate of No Criminal Conviction (delivered by the Second Basic Court in Belgrade, Court Office in Mladenovac) and a Proof of Paid Fees³² and,
- The new identity card (file a demand to the police administration or station, submit a previously issued ID, the original Birth Certificate, the original Certificate of Nationality of the Republic of Serbia, a proof of paid fees regarding the issuing of the new ID and fees pertaining to the technical make of the ID).

As the electoral list acted in all in accordance with the verdict brought by the Administrative Court and with the conclusion issued by the CEC, at the 24th session held on February 21st, the CEC proclaimed the electoral list of the group of citizens "Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad".

TIMELINE FOR WHITE TURNCOAT – OF THE ELECTORAL LIST "LJUBIŠA PRELETAČEVIĆ BELI (WHITE TURNCOAT) – BECAUSE WE LOVE BELOVGRAD"

1. Submission of the list to the CEC at 23.35 on February 16th,
2. Proclamation of the list by the CEC at the 21st session held at 21.30 on February 17th,
3. Lodging of an objection to the proclamation of the electoral list by the voter M.A. from Belgrade,

³² Source: Official presentation of the Municipality of Mladenovac- <https://goo.gl/SiQorro>

at 21h on February 18th,

4. Overruling of the objection by the CEC at the 22nd session held at 13.30 on February 19th,

5. Filing of an appeal to the Administrative Court by the voter M.A. from Belgrade, at 18h on February 19th,

6. Pronouncing of the verdict by the Administrative Court annulling the decision on the proclamation of the electoral list (UŽ 22/18) - at 18h on February 20th,

7. Adoption of the conclusion by the CEC imposing the elimination of shortcomings at the 23rd session of the CEC held at 11.30 on February 21st.

8. New proclamation of the list by the CEC at the 24th session held at 23h on February 23rd.

DIFFERENCES BETWEEN 2017 AND 2018 - WHITE TURNCOAT

The proclaiming of the list “Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad” drew the public’s attention because of the change in name and surname as well as because of the issuing of the new identity card in the name of Ljubiša Preletačević Beli in a single day. As a matter of fact, in order to successfully proclaim an electoral list, one of the candidates for councillors featuring on the list had to change his name and surname in order to submit the compulsory written statement of acceptance of the candidacy which was one of the shortcomings for the proclamation of the electoral list. As the group of citizens acted in all in accordance with the verdict brought by the Administrative Court and with the conclusion issued by the CEC, at the 24th session held on February 21st, the CEC proclaimed the electoral list of the group of citizens “Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad”.

The same situation occurred during the 2017 presidential elections. To be specific, the same group of citizens nominated Ljubiša Preletačević-Beli as a presidential candidate. Pursuant to the report on the receipt of the proposition, the REC had first drafted a proposal of elimination of shortcomings which was not adopted as certain REC members put first on the agenda the adoption of his candidacy and then voted the adoption of the candidacy although there were only 9,965 legally valid signature of voters who supported Ljubiša Preletačević Beli as a candidate.

After the adoption of the candidacy, an objection was lodged referring to the circumstance that in accordance with legal provisions the name of the group of citizens may include the name and surname of the person determined to be the holder/

candidate of the list by the citizens. Besides, the Administrative Court took the standing in its verdict UŽ 48/16 that *the name of the electoral list may include only one name and surname of the person nominated by the citizens’ group by mutual consent as the holder of the electoral list*. Pursuant to such interpretation of the Court, it is possible include only one name and surname of the candidate for the elections. It is not possible to include parts of the name of any other person. By this standing of the Administrative Court, it was prevented that political entities mislead voters by using parts of other people’s names in the denomination of the group of citizens. Moreover, by doing so, it is possible to stand in the way of using of different fictitious names and surnames (of persons from films or different social and political entities) who found their way to the ballots in a large number of countries throughout the world. The REC overruled the objection by the majority of votes. As no appeal was lodged to the Administrative Court, Preletačević Beli was featuring on the ballots during the 2017 presidential elections, although the name and surname of this fictive candidate was represented by Luka Maksimović.

DECISION-MAKING ON OBJECTIONS TO THE PROCLAMATION OF ELECTORAL LISTS: THE CEC AND THE ADMINISTRATIVE COURT

The City Electoral Commission overruled eight objection to decisions on the proclamation of the following lists: 22. “Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad”, 23. “Enough is Enough of Robbery, Corruption and Thievery – Radulović Milorad “ and 24. “Liberal Democratic Party – LDP – Čedomir Jovanović“.

Four objections were overruled and two sustained to the Decision on the General Electoral List, so that it was annulled. At the end of the session, a new Decision on determining the General Electoral List was adopted. The sustained objection according to which the Decision annulling the Decision on determining the General Electoral List adopted at the 24th session concerns the order of the electoral lists, more specifically to the fact that the electoral list “Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad” could not precede the electoral lists proclaimed earlier, at the 21st session held on February 17th 2018.

In this reporting period, the Administrative Court decided about eight cases that related mostly to decisions on appeals on decisions on proclaiming of the electoral lists: 22. “Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad”, 23. “Enough is Enough of Robbery, Corruption and Thievery – Radulović Milorad “ and 24. “Liberal Democratic Party – LDP – Čedomir Jovanović“. Only in one case the Administrative Court adopted the appeal and annulled the Decision of the City Electoral Commission proclaiming the electoral list 22. “Ljubiša Preletačević Beli (White Turncoat) – Because We Love Belovgrad”, while in all other cases, it rejected the appeal as unfounded.

IDENTITY THEFT OF CANDIDATES FOR COUNCILLORS AND MEMBERS OF POLLING COMMITTEES

At the press conference held on February 26th, the New Party informed the public that they came into possession of evidence proving that an usurpation of identities of candidates and of polling station committees members of the electoral list “Let’s Free Belgrade” by the electoral list led by Muamer Zukorlić *Justice and Reconciliation Party*. According to information provided at the press conference, the electoral list of the Justice and Reconciliation Party had submitted a list of its members to the extended composition of the polling station committees, among whom there were, inter alia, candidates for councillors and members of polling committees proposed/nominated before the electoral list “Let’s Free Belgrade”. In this way, article 146 of the Criminal Code was potentially breached, referring to unauthorised gathering of personal data.

A by-law – the Instruction for the Conduct of the Voting define the entire procedure of nominating persons to the extended composition of the polling station committees. With the interest of forming polling station committees more easily the Instructions foresee that proposals for nomination of persons to polling station committees in the extended composition can be filed by a submitter of the electoral list but also any other person authorised by the submitter of the electoral list. In order to identify these persons, the submitters of electoral lists had a deadline until 16h on February 19th to hand over the list of persons having authority to submit proposals for nomination of persons to polling station committees in the extended composition in a certain municipality. The CEC was held to submit this list to municipal mayors of all municipalities in Belgrade.

As far as members of the extended composition of polling station committees are concerned, it is necessary to state the following data during their nomination: name and surname, unique master citizen’s number, domicile and address of residence and contact phone number. Upon uniting of all received proposals for nomination to extended composition of the polling station committees, municipal mayors submit those data to the CEC in the form of a table. It is important to emphasise that members of the extended composition of the polling station committee can only be persons who have the electoral right. Consequently, when submitting proposals for nomination of persons to polling station committees in the extended composition, municipality administrations verify the electoral right of every proposed person.

Having in mind the entire procedure implying a wide range of stakeholders (municipalities, the CEC, electoral list submitters and other persons authorised for this ac-

tion) so that the nomination of members of the extended composition of the polling station committee, the CRTA *observation mission cannot determine with certainty how and by which stakeholders/persons the usurpation of citizens’ personal data was carried out*. Besides, the entire electoral legislation does not define in any of articles the area of personal data processing. Also, the possibility of personal data processing by consent of a person has not been established. In article 8 of the Law on Personal Data Protection, it is clearly stated that processing of personal data is not allowed if a person did not give their consent to processing, i.e. if processing is carried out without legal authority. Consequently, the processing of personal data of members of polling station committees in the extended composition or of any other stakeholder in the election process is not allowed according to the Law on Personal Data protection.

As far as unauthorised use of personal data by the electoral list “Justice and Reconciliation Party”, it clearly indicates the violation of article 146 of the Criminal Code. Namely, article 146 stipulates that *whoever without authorisation obtains, communicates to another or otherwise uses information that is collected, processed and used in accordance with the law, for purposes other than those for which they are intended, shall be punished with a fine or imprisonment up to one year. The penalty specified in paragraph 1 of this Article shall also be imposed on whomever contrary to the law collects personal data on citizens and uses data so collected*. It is important to mention that article 146 of the Criminal Code foresees a qualified form of this criminal offence punishable with imprisonment up to three years. This type of criminal offence is foreseen if the specified offence is committed by an official in discharge of duty. As there was a large number of stakeholders included in this case, it is possible that an authorised collection of personal data occurred regarding candidates and polling station committees’ members of the electoral list “Let’s Free Belgrade” by an official.

ELECTION CAMPAIGN

KEY FINDINGS

From February 1st until March 4th 2018, the CRTA observation mission realised a long-term observation of the election process in 17 Belgrade municipalities. Fifty (50) long-term observers, trained according to the highest international standards, observed the electoral campaign and gathered information about the way it was carried out and if there were any irregularities within the campaign and media coverage. Until the final results of Belgrade elections were announced, long-term observers had been deployed in all Belgrade municipalities, which enabled a comprehensive and uninterrupted access to information on the election process and its trends.

It was reported that the flow of the campaign was changing as the Election Day came. Interestingly, at the beginning of the election process, which was the first month of the campaign (January 15th - February 10th), there were not many street activities and direct dialogues with citizens, especially from the part of the opposition parties. While the ruling parties set up stands in different busy parts of the city, distributed the promotional material and organised rallies, public debates, dialogues and “door-to-door” campaigns from the very beginning from the campaign, the opposition parties were mostly active on social networks or their candidates appeared in the public in several central city municipalities.

However, as the Election Day approached, the opposition parties became more active, especially in direct contact with citizens. The analysis of the frequency and types of channels used by both the ruling and opposition electoral lists has revealed both similarities and significant differences. Although the activities of opposition parties increased, they could not have exceeded the scope and intensity of the activities of the ruling parties, especially the Serbian Progressive Party. The analysis of 13 categories of different types of communication with voters has shown that the Serbian Progressive Party was at least twice as active as certain campaigns carried out by opposition lists. The Socialist Party of Serbia had the most active campaign after the Serbian Progressive Party.

The analysis of topics and key messages of the campaign has provided us with an insight into the quality of programme/content presented to the citizens. The key findings in this part of the analysis are that a large number of electoral lists communicated with citizens in general terms, without any clear and concrete programmes and often outside the local framework that these elections referred to. However, when the focus was on local issues, topics and messages were largely directed towards solving general problems at the city level. Thus, some of the campaign topics referred to infrastructural projects, construction of the subway, exploitation of the potential of rivers, conversion of the municipal police into the citizens’ service, fight against corruption, improvement of the status of young people at the city level, improvement of the status of retired people at the city level, eco-friendly transportation, introduction of eco-friendly bags etc.

The analysis of individuals who passed on the messages has shown an intensive and explicit role of public officials. They used their public positions in their public appearances and in the media, they highlighted and advocated party interests and they used public resources and their regular activities within working hours to promote the results of the Government as the results of the party. The Belgrade election campaign is also interesting because of the fact that, apart from 11 ministers of the current Government

who participated in it, the Prime Minister and the President of the Republic also participated in it. It was also reported that the state officials explicitly used their positions for the campaign purposes, whereas the city officials did it covertly – they carried out intensively their regular activities during the campaign.

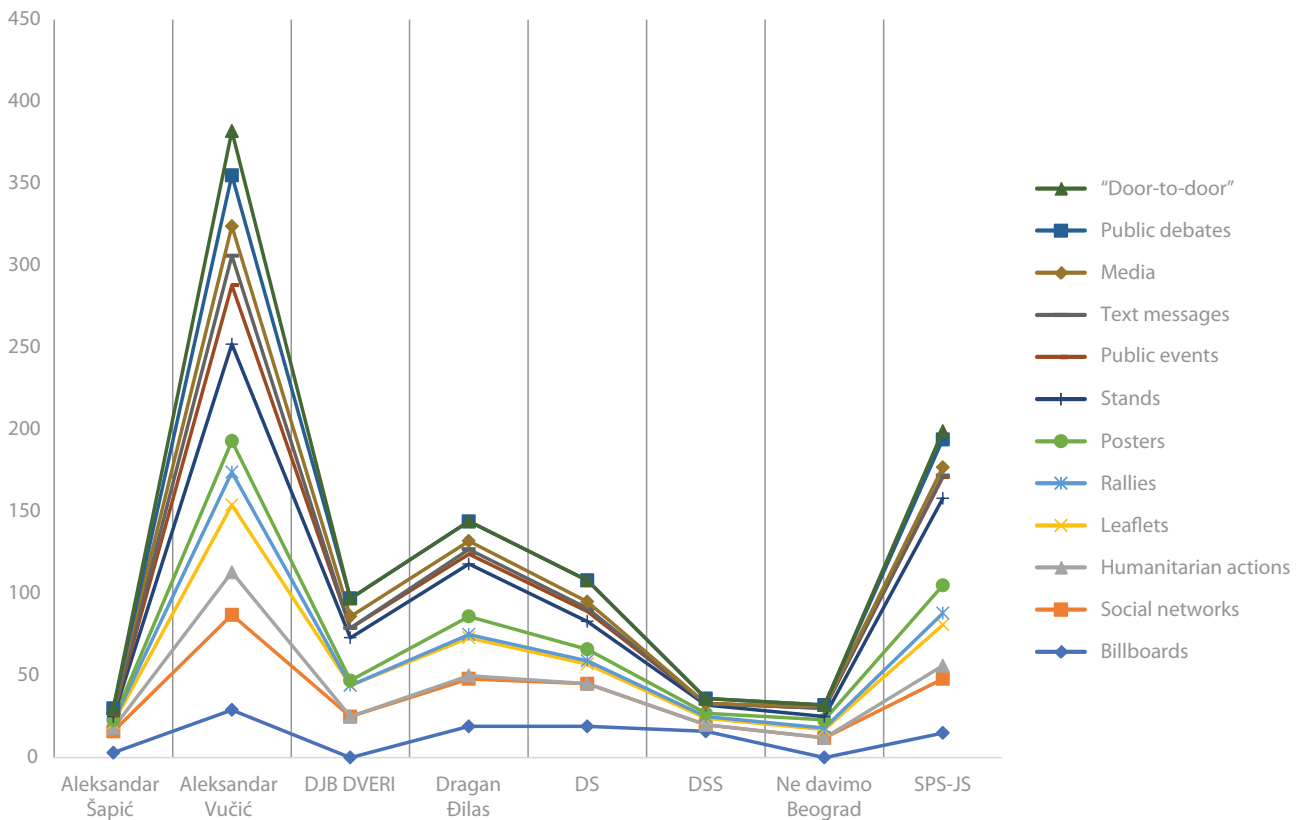
Apart from the state and city officials’ activities in the campaign, it was reported that presidents of Belgrade municipalities also used their public positions to promote the ruling parties. Their roles enabled them to use local and national institutions for the promotion of the electoral lists of the ruling parties. Municipalities organised free concerts where voting for certain parties was publicly promoted and the number of free regular services offered to the citizens by municipalities increased drastically during the campaign and many infrastructural works were carried out in different locations in the city, which the party subsequently promoted and took credit for.

The following part of the report describes the flow of the election campaign at the city and municipal levels and the media monitoring results, as well as the abuse of public resources in the campaign through examples. The overview of the following findings refers to the period between February 1st and March 4th, but it does not exclude events from the period before the long-term observation started.

Through the field work, long-term observers contributed to the systematisation and better understanding of numerous activities occurring in the public during the campaign and on the day of the election.

COMMUNICATION WITH ELECTION HEADQUARTERS

While preparing for long-term observation of the election campaign, the CRTA observation mission contacted election headquarters of lists in Belgrade elections in order to schedule meetings with them. The objective of the meetings was to introduce the goals and methodology of the CRTA observation mission and to establish communication between the observation mission and election headquarters in terms of the exchange of information, reports on the election process and gathering of the data on potential irregularities and incidents related to electoral legislation and implementation of the political campaign. The meetings were held between 5th and 9th February with 7 election headquarters: “ALEKSANDAR ŠAPIĆ – THE MAYOR”, “FREE BELGRADE – Democratic Party (DS), Social-democratic Party (SDS), New Party (NOVA) and the Green Party (ZEP – Zeleni)”, “DR MILOŠ JOVANOVIĆ – THE DEMOCRATIC PARTY OF SERBIA”, “Liberal Democratic Party”, “Dragan Đilas – Belgrade decides, people wins!”, “LET’S NOT DROWN BELGRADE – THE YELLOW



DUCK – WHOSE CITY? OUR CITY! - Ksenija Radovanović” and ”What do you think you are doing? – Marko Bastać”.

COMMUNICATION CHANNELS

The analysis of the frequency and types of channels of communication with voters used by both the ruling and opposition electoral lists has revealed both similarities and significant differences. There were traditional, direct ways of communication between election headquarters and citizens during the campaign. The communication approach of all participants in the election process is typical for political campaigns. They set up stands in busy locations, distribute leaflets and other printed promotional material, organise public gatherings and go “from door to door“, call people on the phone or send text messages.

Also, the majority of electoral lists were very active on social networks and official websites of their city and municipal committees. It was reported that electoral lists which held positions both at the republic and city levels worked towards diversifying the channels of communication with citizens. The presence of representatives of these lists in the field as well as of the coalition partners was reported in suburban areas of Belgrade as well as in central municipalities.

Representatives of opposition lists, on the other hand,

mostly focused on the possibilities of the social networks and they appeared in public mostly in central municipalities and, in the final stage of the campaign, they appeared in suburban municipalities.

Apart from the reported similarities and differences between the ruling and opposition lists in the ways of communication, there were also differences in the intensity and ways campaigns were implemented within each of the two groups. For example, “Aleksandar Vučić - Because we love Belgrade!“ is the only electoral list which tried out all available channels of communication – from “door-to-door“ approach, rallies, promotional stands, concerts, public debates, dialogues, distribution of leaflets and printed promotional material, to phone call and text message campaigns. As a part of their “direct contact with citizens“ approach, this list organised different events and workshops of the content adjusted to different target groups thus establishing contact with young people, women and retired people. Such a trend was reported in several Belgrade municipalities. In comparison with opposition lists, the list “Aleksandar Vučić“ was twice as active in the campaign. The electoral list of the Socialist Party of Serbia is the second most active. Among the opposition lists, “Dragan Đilas“ was the most active one.

The **graph** illustrates the trends of diversity and intensity of election activities, shown as the total number of individual activities of the ruling and opposition lists, as well as which

ones proved to be the most active (reported by long-term observers throughout the election campaign).

Electoral lists whose activities did not increase as the day of the election came are “Aleksandar Šapić”, “What do you think you are doing?”, “LDP” and “Milos Jovanović - DSS”. These lists mostly carried out their campaigns from the central city level or they remained in their own priority municipalities (Novi Beograd or Stari grad). Most of the lists announced by the end of the legally regulated deadline (February 16th) were not even close to the lists active from the beginning of the election process in terms of intensity and diversity of their activities. As for the lists announced at the last legally prescribed moment, only the stands and leaflets of the Citizens’ Party of Greeks in Serbia and leaflets of the Green Party were reported.

“DOOR-TO-DOOR” CAMPAIGN

“Door-to-door” campaign was dominantly carried out by the list “Aleksandar Vučić – Because we love Belgrade!”, whereas towards the end of the campaign, the electoral list “Ivica Dačić” carried out this activity as well in the municipality of Zemun.

“The activists of the Socialist Party of Serbia did the “door-to-door” campaign – they would ring the doorbell and leave the propaganda material in front of the door if no one answered it so as not to intrude on people’s privacy because, according to the Secretary of the Municipal Committee of the Socialist Party of Serbia in Zemun, the Serbian Progressive Party had already exhausted this type of communication. Otherwise, they would talk to people who were willing to do it.” – the quote from a long-term observer’s report.

“The Serbian Progressive Party carries out a comprehensive “door-to-door” campaign and most of the citizens I have talked to are aware of it.” – the quote from a long-term observer’s report.

PRE-ELECTION RALLIES, PUBLIC EVENTS AND STREET ACTIONS

Another significant difference in the communication of electoral lists with citizens is in the organisation of pre-election rallies. It was reported that a certain number of lists had each organised one public event for the promotion of the list and opening of the campaign and one for the closure of the campaign. There were no similar activities at municipal levels except in few cases. The electoral list “Aleksandar Vučić – Because we love Belgrade!” organised rallies in February in the municipalities of Voždovac (Banjica and Ripanj), Čukarica (Železnik), Zemun (Batajnica), Grocka (Kaludjerica) and the final rally in Hala Pionir on February 28th.

The rally held by this list (in Banjica, Voždovac on February 3rd) was first promoted on social networks and posters as an invitation to citizens to “socialise with the president of Serbia, Aleksandar Vučić”, whereas the Serbian Progressive Party reported on it as a rally and these events were subsequently presented to the public in the same way. While “socialising” eventually turned into the official rallies of the Serbian Progressive Party, this scenario always implied the presence and addressing of the President of the Republic of Serbia and the President of the Serbian Progressive Party, Aleksandar Vučić, in the full capacity of his public role.

The rallies were accompanied by different public events and dialogues between citizens and high officials of the Serbian Progressive Party, their pre-election coalition partners for Belgrade elections and candidates for the list “Aleksandar Vučić – Because we love Belgrade!”. Apart from the rallies, a number of gatherings and actions was organised in almost all Belgrade municipalities. Some of the examples are the eco-friendly activity carried out by the youth of the Serbian Progressive Party in Vinca on February 19th, dialogues between citizens and different high party and city officials and list candidates, as well as organised debates.

Apart from the list “Aleksandar Vučić”, pre-election rallies and gatherings were also organised by the list “Ivica Dačić” in Čukarica and Zemun (Hala Pinki).

Certain opposition lists also organised pre-election rallies, public gatherings and dialogues with citizens mostly in the second part of the election campaign and outside central city municipalities. The list “Let’s Free Belgrade – DS, SDS, NS” organised rallies in Novi Beograd and Rakovica. The candidate for the mayor proposed by this list, Dragan Šutanovac, talked to citizens of the municipalities of Sopot, Mladenovac and Lazarevac, whereas this list organised the debate in Banjica (the municipality of Voždovac). The electoral list “Dragan Đilas” organised public events as well. The debate in Mladenovac (Kovačevac) was held on February 12th and it was attended by the candidates for the councillors, high party officials and public figures. This list also organised the dialogue between farmers in Grocka and the candidate for the mayor, Dragan Đilas. The electoral list “Enough is Enough! and Dveri” organised debates in Novi Beograd and Mladenovac (February 22nd), where Saša Radulović and Boško Obradović spoke. They also organised dialogues with citizens (the so-called tea parties) in the centre of Belgrade. One of the most interesting forms of the campaign was the activity “Duckmobile” of the electoral list “Let’s not drown Belgrade”. This car was driven in city areas which this list recognised as critical in their programme.

PHONE CALL AND TEXT MESSAGE CAMPAIGN

Mass phone calls to citizens who never publicly declared themselves as members of any party and never allowed their personal data to be used by any party were reported to have

been made by the electoral list “Aleksandar Vučić – Because we love Belgrade“. This way of communication with voters is one of the most distinct moments of the campaign. These cases attracted attention of the public because of a potential abuse of citizens’ personal data. Some irregularities and controversies were also identified in the way the call-centre of this list promoted the electoral list and its candidates for councillors and they will be analysed in the chapter referring to the pressure made on voters. Although other lists called their members and followers during this period, mass calls were only reported in the case of list number 1.

CONCERTS

These elections could be associated with concerts of Aca Lukas and Šaban Šaulić organised by municipal officials in the municipal premises. Although these concerts were promoted as a “gift“ to citizens, they represented an example of the abuse of public resources with the aim of promoting electoral list number 1 “Aleksandar Vučić – Because we love Belgrade!“. What all these concerts have in common is the scenario according to which the presidents of municipalities were at the stage along with performers while both performers invited citizens to circle number 1 in the elections on March 4th.

ATYPICAL CASES OF COMMUNICATION WITH CITIZENS THROUGH PROMOTIONAL STREET ACTIVITIES

Representatives of the electoral lists made sure to mark all relevant dates. They organised street activities and different manifestations and set up stands to mark February 14th (St. Valentine’s Day) and February 15th (National Day of the Republic of Serbia). The most active lists were “Aleksandar Vučić – Because we love Belgrade!“ and “Ivica Dačić – SPS“. Promotional pre-election stands were converted into flower and wine stands and party activists gave out orchids and other small gifts such as licitar hearts and mulled wine. While the celebration of February 14th went on in the symbolic festive atmosphere on stands, marking the National Day of the republic of Serbia was taken much more seriously by the electoral list “Aleksandar Vučić – Because we love Belgrade!“. The Municipal Committee of the Serbian Progressive Party roasted the bull on a spit and served it to the citizens in the centre of Batajnica (Zemun) on February 15th on the National Day of the Republic of Serbia.

During the days preceding and following the Election Day, citizens were being given other things apart from the promotional material. The activists of the Serbian Progressive Party distributed lollipops and candies on Ada, as well as orchids in Savski venac and lemons in Novi Beograd.

The list “What do you think you are doing?“ organised an action against corrupted taxi drivers and chased them

around the city with video cameras. Few days before the electoral silence on March 1st and 2nd, this list organised “an exchange of books“ by the “Delijska česma“ fountain, as well as the outdoor party and on that occasion they gave out awards in several categories: the best means of transport of the campaign (Duckmobile), the best performance (the change of the ID card of Ljubiša Preletačević Beli), the best interview (Marko Bastać on RTS) and the “rotten plum“ award – the worst politician in the campaign (Vuk Jeremić).

PUBLIC OFFICIALS’ CAMPAIGN: A THIN LINE BETWEEN THE PARTY AND THE CITY AND REPUBLIC OFFICIALS

The public officials’ campaign is one of the major characteristics of the election campaign in Belgrade, which does not make it any different from other electoral cycles at local and republic levels. However, one gets the impression that the public officials’ campaign is much more intensive because the local government is closest to the citizens where citizens are directly affected by the decisions and moves made by the city officials. Thus, conducting a campaign is, in a large number of cases, a part of regular activities of the city and municipality officials. History is repeating in terms of the city and republic authorities being used for the promotion of parties of all lists (either the ruling or opposition parties) which have their own representatives in institutions and who in any way stand out and are well-known to the public.

This situation is most evident in the cases of the lists “Aleksandar Vučić – Because we love Belgrade!“ and “Ivica Dačić – SPS“ which have the majority of the representatives in the current city, municipal and republic governments. If we observe the movements of city, municipal and republic officials, we can conclude that the republic officials, including the Prime Minister and the President of the Republic of Serbia, were overtly included in the campaign (**Graph 1**).

Graph 1: A comparative overview of public appearances of the city and republic officials in the overt and covert campaigns based on collected media announcements

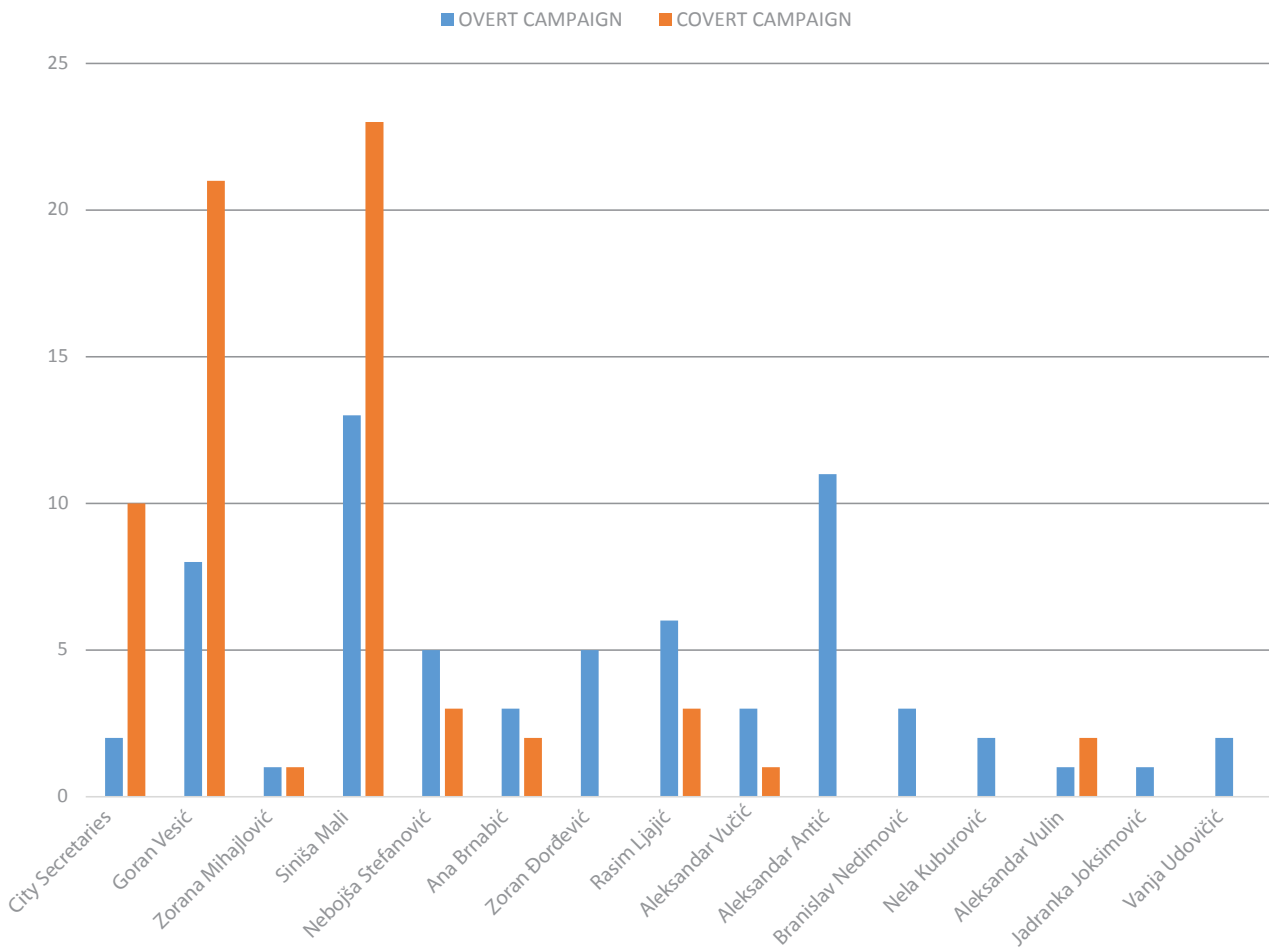
Overt campaign implies that the public officials use publicly their role with the purpose of promoting the party.

EXAMPLES OF OVERT CAMPAIGN:

“Ana Brnabić visiting the election headquarters Mihajlo Pupin and Paviljoni.

The committee of our party in Novi Beograd has been visited tonight by the Prime Minister of the Government of the

CITY AND REPUBLIC OFFICIALS IN THE CAMPAIGN



Republic of Serbia (written by the author and underlined by the CRTA team) Ana Brnabić and she was welcomed by the President of the Municipal Committee Stevo Marusic and Election Headquarters Coordinator Sladjan Mančić.“

The official Twitter account of the Municipal Committee of the Serbian Progressive Party in Novi Beograd, February 21st 2018.³³

“Jadranka Joksimović, International Secretary of the Serbian Progressive Party and Minister for European Integrations (written by the author and underlined by the CRTA team) has spoken today with the citizens of Savski venac. While speaking with them, she highlighted the fact that the Serbian Progressive Party was implementing a responsible policy of development for the benefit of Serbian citizens, as well as the fact that the Serbian Progressive Party had established important and concrete international contacts which it offers to our citizens.“

The official Facebook page of the Municipal Committee of the Serbian Progressive Party in Savski venac, February

24th 2018.³⁴

“Citizens of Savski venac had an opportunity to talk to the member of the Presidency of the Serbian Progressive Party and the Minister of Justice (written by the author and underlined by the CRTA team) Nela Kuburović and get some legal advice from her.“

The official Facebook page of the Municipal Committee of the Serbian Progressive Party in Savski venac, February 10th 2018.³⁵

“Guided by our leader, the President of the party and the President of Serbia (written by the author and underlined by the CRTA team), we have embarked on the road to change Belgrade. Great investment projects have been realised despite the doubts many had. By investing in future we would like to move the boundaries so that the future generations of the citizens of Belgrade could live better. Let’s welcome

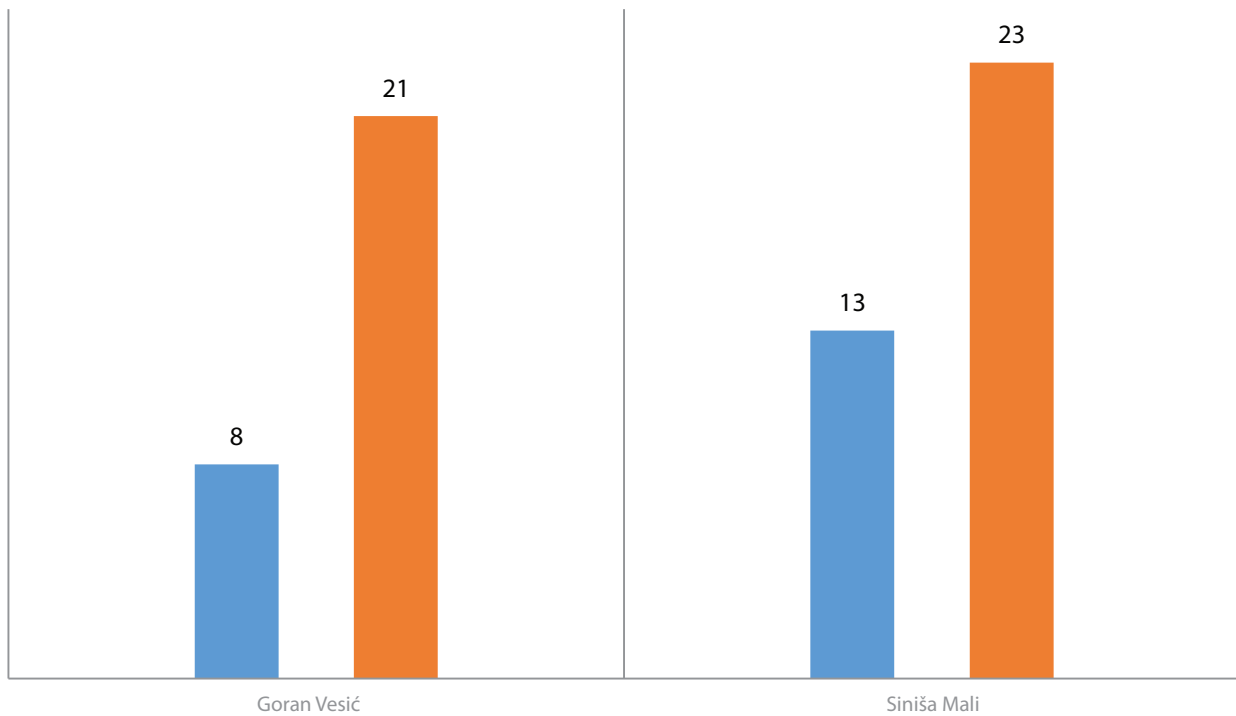
33 https://twitter.com/SNS_NoviBeograd/status/966100805114843136

34 https://www.facebook.com/story.php?story_fbid=17570612243141408&id=123162314370714

35 <https://www.facebook.com/snssavskivenac/videos/vb.123162314370714/1740914309262165/?type=2&theater>

CITY OFFICIALS IN THE CAMPAIGN

■ OVERT CAMPAIGN ■ COVERT CAMPAIGN



the man who is helping Serbia and Belgrade grow stronger from day to day, the man who is fighting for the better living conditions for all of us, the man who is showing us with his vision, energy and courage how to love Belgrade and Serbia – the President of the Serbian Progressive Party and the President of Serbia (written by the author and underlined by the CRTA team) Aleksandar Vučić!

Transcript of the announcement of Aleksandar Vučić as speaker at the rally of the list “Aleksandar Vučić” in Batajnica (the municipality of Zemun), February 11th 2018.³⁶

On the other hand, the activities performed by city officials, first of all Goran Vesić and Siniša Mali, can be categorised as covert campaign. During the campaign, Goran Vesić and Siniša Mali were so active in their work that they carried out at least one activity every day, which can be concluded based on gathered media announcements and information on their activities in different municipalities of Belgrade (**Graph 2**).

Graph 2: A comparative overview of public appearances of the city officials in the overt and covert campaigns based on collected media announcements

Covert campaign implies the fact that by performing regular activities, results of the current government are being presented and the necessity for its continuation is being promoted.

EXAMPLES OF COVERT CAMPAIGN:

“In the last four years we have built a completely new school in the Stepa Stepanović residential block – “Danilo Kiš”; we have completely reconstructed four and partly four other schools. In the territory of the municipality of Voždovac, at the expense of the municipality, repairs have been carried out in other 13 schools. We have invested a lot in the school facilities regardless of the fact that such activities are not the main competence of the City of Belgrade but of the Republic/competent Ministry. However, we try to provide assets for schools and thus enable better quality of education – the City Manager (Goran Vesić) explained it.

Vesić: The end of the renovation of the primary school “Filip Filipović”, February 12th 2018.³⁷

“In the past four years, more has been done in Rakovica and Resnik than in the past decades. The citizens have organised themselves and we have started doing other works at their

36 <https://www.youtube.com/watch?v=eNwvK1qHGq4>

37 http://www.beograd.rs/cir/beoinfo/1745500-vesic-završena-sanacija-os-filip-filipovic_2/

initiative – we realise them together at the levels of the municipality, city and the Republic – the City Manager (Goran Vesić) pointed out.

Vesić: In the past four years, more has been done in Rakovica than in the past decades, February 16th 2018.³⁸

“In the past four years a lot of things have been done and we can see a positive change on every city market. At the Kalenić market, 58 new shops have been opened and other two phases of the reconstruction of entire Kalenić market will follow. At the Bajloni market, old stands have been replaced and 1.600 new stands have been set up in all city markets. The total of 1.300 stands have been restored and about 61.000 of square meters of markets have been covered by the layer of asphalt. Markets are the new image of beautiful Belgrade – our citizens go there often and spend there a lot of time which is why we want markets to be an example of a more attractive and better Belgrade – the Mayor (Siniša Mali) added.”

Around 1.3 billion dinars will be invested in the construction of the Market of Palilula, February 19th 2018.³⁹

However, conducting the public officials’ campaign was also reported with the list “Aleksandar Šapić“ which is the current government in Novi Beograd. The way this list conducted the public officials’ campaign is reflected in the promotion of their own list through the municipal information leaflet or by using the premises of the municipal administration building as the election headquarters. The similar case of abuse of the official position was evident in the case of the electoral list “What do you think you are doing?“. The candidate for the mayor, the current President of the Municipality of Stari grad, Marko Bastać, occasionally found himself within the campaign during his working hours.

Apart from the public officials’ campaign, a thin line between the party and the government is reflected in the way of communication. It was reported that in a large number of cases there was no difference between the news and the announcements on social network accounts of the municipalities and the city of Belgrade on one hand and the news and announcements on social network accounts of the lists which represent the government in the municipality and the city of Belgrade. Thus, all credits of the government were given to the party.

Some of the examples are the opening of the library in Senjak on February 18th, establishing the city transportation

38 <http://www.beograd.rs/cir/beoinfo/1745708-vesic-u-rakovici-za-poslednje-cetiri-godine-uradjeno-vise-nego-decenijama-u-nazad/#prettyPhoto>

39 <http://studiob.rs/u-izgradnju-nove-palilulske-pijace-bice-ulozeno-13-milijarde-dinara/>

stop, replacement of dumpsters, installation of doors on residential buildings and arrangement of green spaces in Novi Beograd. The Municipal Committee of the Serbian Progressive Party in Obrenovac even made the following report from the Municipal Council:

“The Council Session of the Municipality of Obrenovac was held today at the Local Community of Usce because each part of Obrenovac matters to us and #BecauseWeLoveObrenovac.“⁴⁰

The Municipal Committee of the Serbian Progressive Party in Obrenovac boasted of installing the integrated system of security in this municipality. On their Twitter profile, the Municipal Committee of the Serbian Progressive Party in Zemun highlighted and praised the cooperation between the municipal and city authorities during the large project of reconstructing the City Park of Zemun and they added, “Aleksandar Vučić – Because we love Belgrade!“⁴¹

These are just some of the countless examples of erasing the line between the activities carried out by municipalities, the city of Belgrade and the party, as well as of essential lack of understanding of the way public administration, municipal, city and republic institutions function.

THE CASE OF PROMOTING THE PARTY BY “BOASTING“ OF THE ACTIVITIES CARRIED OUT BY PUBLIC AUTHORITIES

“Who has resolved a decade-long problem in Braće Kolesan Street, who works for the benefit of the citizens?“

According to the text published on the Facebook page of the Municipal Committee of the Serbian Progressive Party in Surčin and on the website of the Serbian Progressive Party in Surčin, the problem has been resolved by filling the street with scraped asphalt thanks to the support of the President of the Municipal Committee of the Serbian Progressive Party in Surčin Milos Dangubić (he is the Municipality Councillor and the Deputy Director of the Public Utility Company “Surčin“ at the same time). It is also stated: “The Municipal Committee of the Serbian Progressive Party in Surčin has supported the initiative of the citizens from this street in cooperation with the Municipality of Surčin and the Public Utility Company “Surčin“ and today Braće Kolesan Street has been filled with scraped asphalt. The Vice-President of the Municipal Committee of the Serbian Progressive Party in Surčin 3 Aleksandar Todorovic and the President of the Municipal Committee of the

40 <https://twitter.com/SNSObrenovac/status/964171650546782208>

41 https://twitter.com/sns_zemun/status/967720438108446720

Serbian Progressive Party in Surčin Milos Dangubić have visited the work site.“

According to the text published on the website of the Municipality of Surčin, the Municipality Councillors Milos Dangubić and Aleksandar Todorović visited the work site where 300 m of Braće Kolesan Street was filled with scraped asphalt. “Citizens from Braće Kolesan Street addressed the Municipality of Surčin with the initiative to have their street filled with scraped asphalt because it has been covered by mud for decades. The problem has been resolved to everyone’s satisfaction.“

TOPICS AND MESSAGES

Regarding the content of the campaigns, the conclusion is that a large number of electoral lists had a general communication with citizens, without any clear and concrete programmes and often outside the local framework. For example, the campaigns of some lists touched upon the issues referring to the management at the republic level, such as decentralisation, Kosovo, Russia or the arrangement of the political system. It was also reported that when the focus was on local issues, topics and messages of the programme were largely directed towards solving general problems at the level of the city of Belgrade.

Thus, some of the campaign topics referred to infrastructural projects, construction of the subway, exploitation of the potential of rivers, conversion of the municipal police into the citizens’ service, fight against corruption, improvement of the status of young people at the city level, improvement of the status of retired people at the city level, eco-friendly transportation, introduction of eco-friendly bags etc.

However, as the campaign moved on, the topics and messages focused increasingly on the specific differences of the municipalities and the lists were trying to give answers to the circumstances and problems within them. Such practice was implemented both by the ruling and opposition lists. Some of the examples are the construction of sewage, taking care of stray dogs, building of kindergartens and schools, reconstruction of health centres or making life in rural parts of Belgrade equal with the life in central city municipalities.

As the day of the election approached, the presence of general and vague messages passed on by the lists through their campaigns, such as “recovering the system of values“, “Belgrade the metropolis“, “preservation of family values“, “we are the only ones offering the solutions“ reduced. As time went by, the messages were more local-oriented, but there were just few concrete plans for their realisation both with the ruling and the opposition lists. However, a large

number of messages from the ruling and opposition lists was still sent to the public where comparisons were made with the moves of the current or previous city authorities, thus emphasising in this campaign as well the phenomenon of the negative campaign.

NEGATIVE CAMPAIGN, THE HATE SPEECH AND PRESSURES MADE ON ELECTION STAKEHOLDERS

The negative campaign implies rhetoric directed towards discrediting other participants in the election process instead of directing it towards one’s own election programmes. The hate speech implies expressing messages of intolerance towards a racial, national, ethnic or religious group or its members. Also, the hate speech aims at generating hatred and intolerance towards the gender and sexual orientation and the term comprises intolerance towards a different political or other opinion, national and social background.

Each election campaign is followed by many pressures and different irregularities. The negative campaign is an unpleasant but frequent phenomenon and it is not legally sanctioned. Unlike the negative campaign, the hate speech is legally prohibited and some forms of it are even legally protected.

In the campaign for Belgrade elections, as well as in other election cycles, the negative campaign dominated over the concrete election programmes, both of the ruling and the opposition parties. It became predominant as the day of the election approached. In the final stage of the campaign, new and anonymous broadcasters of negative messages appeared, such as social network profiles (Instagram and Facebook) of “The Key of Change“, anonymous authors of the portal “Grand Theft Beograd“ (gtbeograd.com) or the printed material “Democratic Theft of Belgrade“.

The negative campaign was directed mostly against the lists “Let’s not drown Belgrade“, “Aleksandar Šapić“, “Dragan Đilas“ and “Aleksandar Vučić – Because we love Belgrade!“, but also against the list “Enough is Enough! and Dveri“. Targets of the negative campaign, as well as its broadcasters, represent the lists of the currently ruling parties, the parties which were a part of the city government or the parties which most actively pointed at irregularities and abuses in the work of the city and republic institutions in the past period.

The negative campaign directed towards the list “Let’s not drown Belgrade“ was continuously present throughout the campaign, and the overview of the negative campaign and attacks on this list will be analysed in a separate chapter. Posters which were visually similar to the ones of this list were stuck with permanent glue on car windscreens and

entrance doors of residential buildings in Vidikovac. Unknown persons scribbled offensive graffiti with messages such as “Give the duck to daddy“ and “Stop Soros“ on the caricatures of Predrag Koraksić Corax exhibited in front of the Assembly of the City of Belgrade.

Placing names and other symbols which distinguish the competitor from the others in the negative context is an inevitable aspect of political marketing. In this pre-election campaign, both ruling and opposition parties published a large number of videos whose content can be categorised as the negative campaign. Also, both ruling and opposition parties published a large number of visuals on social networks with the aim of presenting the opponent in the negative light and compromising their programme, list and the identity.

A series of videos called “Đilas. Lies to Belgraders – the cheating tycoon“ which attacked Dragan Đilas were published on the official Facebook page of the Serbian Progressive Party. Some of the examples are the following videos: “The truth about the bridge“⁴², “Đilas either can't count or he is lying. He is probably lying.“⁴³, “A vote for Đilas is a vote for new lies towards parents“⁴⁴, “Where is the mayor?“⁴⁵ and “The only thing you can expect from Đilas are new lies and deceits“⁴⁶. The video called “Where is the mayor?“ points to the negative implications of the potential victory of electoral lists of Dragan Đilas and Aleksandar Šapić (the mayor is never at his workplace, he in participating in demonstrations against Vučić and he is in the meeting with tycoons). The Broadcasting Agency ordered TV stations to abort broadcasting of the video “The Mayor“ because it depicted the characters of Đilas and Šapić without their prior agreement.

The electoral list “Enough is Enough! and Dveri“ published the videos which presented other participants in the election process in the negative light. One of the examples is the video “Vote and #Change_the_Game“⁴⁷ which is available on the social networks of this list and which presents the participants in the election process: Aleksandar Vučić, Boris Tadic, Ivica Dačić, Dragan Šutanovac and Aleksandar Šapić with the following accompanying text: “The ones who hold the power and become ruthlessly rich, the citizens who quietly live in poverty. This must stop. It is time for the #CHANGE.“ This list produced the printed material which presented Aleksandar Šapić in the negative

light. One of the examples is the leaflet with the following message: “Do you know that Šapić is in coalition with the radicals? Do you know that if you vote for Šapić you help Vučić stay in power?“ There was also the leaflet produced by this list which in the similar way presented the LDP candidate for the councillor, the President of the Municipality of Vračar Zoran Glavaski, in the negative light with the key message: “Distribution of the loot in Vračar. Vračar – the synonym of political trade.“

There was the negative campaign conducted by the electoral list “Dragan Đilas“ against the Serbian Progressive Party and the electoral list “Aleksandar Vučić – Because we love Belgrade!“. The video “Đilas 1 and 1“ clearly invites voters not to vote for the electoral list number 1 (“Of course, it hasn't even occurred to you to vote for number 1“), while the video “Fear“ insinuates that Aleksandar Vučić is afraid only of Dragan Đilas in the following elections (“In these elections, one man is afraid of only one man“). The negative campaign of the National Party, the coalition partner of the list “Dragan Đilas“, was directed against the list “Aleksandar Vučić – Because we love Belgrade!“. The National Party published on their Facebook profile the video criticising the government with the message: “STOP to the careless squandering! STOP to 83-thousand-euro Christmas trees! STOP to wasting citizens' money on New Year's Eve celebrations and fireworks! STOP to Mali and Vesić!“. There was also a street and Internet activity run against the list “Aleksandar Vučić – Because we love Belgrade!“ sending the following message! “Slam the door to the Serbian Progressive Party“. A video was made (taken from a film) which mocks a situation where the activists of the Serbian Progressive Party go from door to door to ensure votes. The coalition partners of this list also made the parody of the video “The Mayor“ and another promotional video of the list “Aleksandar Vučić – Because we love Belgrade!“.

There was a strong negative campaign of the list “Free Belgrade“ against the Serbian Progressive Party and the list “Aleksandar Vučić – Because we love Belgrade!“. Representatives of the list “Free Belgrade“ presented the “Black Book of the Government of the Serbian Progressive Party in Belgrade“. They also presented the website www.crnaknjiga.info where all Belgrade citizens can read the summarised list of all “bad, negative and corrupted things this Government has done“ if they want to. The negative campaign of the list “Free Belgrade“ (the leader of the New Party Zoran Zivkovic) against the Serbian Progressive Party was discussed in the report from the convention of this list named “After the elections, the members of the Serbian Progressive Party are heading for Padinska Skela!“⁴⁸

There was a negative campaign in the way the electoral list

42 <https://www.facebook.com/snsrbija/videos/1870290796335013/>

43 <https://www.facebook.com/snsrbija/videos/1865288193501940/>

44 <https://www.facebook.com/snsrbija/videos/1864074020290024/>

45 <https://www.facebook.com/snsrbija/videos/1864640763566683/>

46 <https://www.facebook.com/snsrbija/videos/1863025043728255/>

47 <https://www.facebook.com/Dostajebilo/videos/2064223623821972/>

48 <https://www.facebook.com/ZoranZivkovicNovaStranka/videos/2327149667310911/>

“LDP” promoted its programme. The video named “Is Putin’s portrait in a doctor’s office at the children’s hospital in Tiršova Zoran Radojičić’s vision of Belgrade?” is available on the Facebook page of this list.⁴⁹

In direct contact with citizens, during the organisations of rallies, debates and dialogues with citizens, there were cases of the party officials and candidates for councillors of both the government and the opposition who talked about their political opponent in the negative light throughout Belgrade. The opposition addressed the public with words that it was necessary to “get rid of the corruption and primitivism of the government”⁵⁰, whereas the government pointed at the “tycoon opposition” and presented Dragan Đilas and Aleksandar Šapić in that light most often.

The list “Enough is Enough! and Dveri” ran a strong negative campaign against Aleksandar Šapić. This list organised a debate on February 19th named “Financial frauds of Aleksandar Šapić”. Then the representatives of this list stated that Šapić had adopted the municipal foundation, that free programmes were financed by the budget and that Šapić’s parents had high positions in the municipality.

The list “Enough is Enough! and Dveri” also ran a negative campaign against Irena Vujovic, the President of the Municipality of Savski venac and a high party official of the Serbian Progressive Party.⁵¹

THE HUMAN SHIELD AND TEARING DOWN THE STANDS

There were cases of obstructing the realisation of the political campaign in public premises and cases of intimidation and physical violence.

The human shield or physical enclosure of the political opponent was reported on several occasions and is an unprecedented form of pressure on participants in the election. The scenario of all these incidents is almost identical. Organisers of the human shield were in almost all cases the activists of the Serbian Progressive Party and the electoral list “Aleksandar Vučić – Because we love Belgrade!”. The activists of the list of candidates for city councillors of the opposition list set up their stands on the aforementioned locations which they had previously registered with the competent institutions. According to the opposition activ-

ists, after some unknown persons had made a few phone calls, there was a mass inflow of the activists of the Serbian Progressive Party. The stands, which had previously been set up by the activists of the opposing political parties, the activists of the Serbian Progressive Party encircled with their stands. Such activities violated the right to free gatherings guaranteed by Article 54 of the Constitution of the Republic of Serbia.

The victims of the human shield were activists of the list “Dragan Đilas” in Novi Beograd and Rakovica, as well as the list “Enough is Enough! and Dveri” in Bežanijska kosa. Both stands of the opposition activists, in block 23 and at the market in Bežanijska kosa, were encircled by a dozen stands of the Serbian Progressive Party. In Rakovica, the stand of the list “Dragan Đilas – Belgrade decides, people win!” was encircled by a dozen activists of the Serbian Progressive Party obstructing the access to the stand. A group of 14 members of the Serbian Progressive Party with clear symbols of the party surrounded the stands of “Dveri” and blocked the access of citizens to their stand. The incident lasted about 20-30 minutes when the activists of “Dveri” decided to go away in order to avoid assault on their activists. According to the representatives of “Dveri”, there was no verbal violence but only passive-aggressive behaviour of the activists of the Serbian Progressive Party who surrounded the stands of the political opponents and blocked the access of citizens to the stands of “Dveri”.

There were also cases of escalated violence, such as tearing down the stand of the list “Enough is Enough! and Dveri” and destruction of the promotional material at the market in Batajnica in Zemun by the activists of the Serbian Progressive Party. On that occasion, the activists who distributed material were verbally attacked by the President of the local committee of the Serbian Progressive Party in Batajnica, who had introduced himself. Several activists of the list “Enough is Enough! and Dveri” and a large number of the Serbian Progressive Party activists, who were distributing unfamiliar objects/souvenirs to the citizens from the nearby car bonnet, took part in the verbal conflict.

49 https://www.facebook.com/Liberalnodemokratskapartija/vid-eos/1826768387395310/?hc_ref=ARRW2OVasaL60bgF0s5Eqki-AQWYI5tNa7ZXJ_jh9XVQOEwWYZX1_SHNMVfAt8SCUQI0

50 The presence of this message was reported during all public events and dialogues with citizens organised in Voždovac by the list “Free Belgrade” during this electoral period.

51 <http://dostajebilo.rs/blog/2018/02/05/partijsko-zaposljavanje-na-savskom-venu/?lang=lat>

“LET’S NOT DROWN BELGRADE“ INITIATIVE

THE CHRONOLOGY OF PRESSURES AND ATTACKS SINCE THE BEGINNING OF THE CAMPAIGN

1. OBSTRUCTING THE POLITICAL CAMPAIGN

The “Let’s not drown Belgrade“ Initiative organised a series of dialogues in local communities of Palilula: “We are not the citizens of the second order! A series of dialogues in Ovča, Kotež and Borča“.

<https://nedavimobeograd.wordpress.com/2018/01/09/nismo-gradani-drugog-reda-serija-razgovora-Ovča-Kotež-i-Borča/>

Although the time had been registered, reserved and confirmed in December, as well as the time for other six events in the local community premises of these two municipalities, the representatives of the Initiative were informed verbally two hours before the agreed time that the events could not be held there on the excuse of “renovating the premises of the local communities“.

This is a criminal offence “Violation of the right to candidacy“ referred to in article 154 of the Criminal Code.

2. OBSTRUCTING THE COLLECTION OF SIGNATURES

The Initiative was registered as a group of citizens for participating in the elections on January 16th and it started collecting signatures of support to the electoral list right after it. The process of collecting signatures was accompanied by threats on social networks to the members of the Initiative and physical disruptions – criminal charges were pressed against an unknown person (by the Ministry of the Interior).

You can find more information about the threats on social networks on the following links:

<http://pescanik.net/zasto-policija-ne-reaguje-na-pretnje-aktivistima-ne-davimo-beograd/>

Two criminal charges were pressed by the Ministry of the Interior in relation to the threats directed towards the Initiative (February 8th 2018):

<https://insajder.net/sr/sajt/vazno/9830/mup-podne-dve-krivi-ne-prijave-zbog-pretnji-lanovima-inicijative-ne-davi-mo-beograd.htm>

There is a doubt that the criminal offences “Violation of safety“ referred to in article 138 and “Violation of the right to candidacy“ referred to in article 154 of the Criminal Code were committed.

3. OBSTRUCTING THE COLLECTION OF SIGNATURES

The representatives of the “Let’s not drown Belgrade“ Initiative were collecting signatures on January 24th in the premises of the Local Community of Usće which had been covered in posters the night before. The same thing happened at the Centre for Cultural Decontamination on January 26th. While collecting signatures in the premises of the Local Community of Banovo brdo on January 28th, the premises were covered with threatening messages with an air of antisemitism which consequently upset the employees of the Local Community. On the same day, two unknown persons ran in front of the entrance and threw leaflets on the activists of the Initiative.

This represents a criminal offence “Violation of safety“ referred to in article 138 and “Violation of the right to candidacy“ referred to in article 154 of the Criminal Code.

4. BROADCASTING FALSE NEWS

On January 26th, after the collection of signatures in the premises of the Local Community “Sava“ in Novi Beograd, the media broadcast the false news that the activists of the Initiative assaulted a woman in front of the nearby Maxi supermarket although the collection of signatures passed in a calm atmosphere and in front of a large number of the citizens. The Initiative representatives denied it and it was published on the pages of the newspapers “Informer“ and “Alo“.⁵²

5. UNAUTHORISED USE OF THE VISUAL IDENTITY OF THE ELECTORAL LIST

During the public event when candidates for the electoral list of the Initiative were represented in the premises of the Cultural Centre “The City“ on February 7th, Braće Krsmanovića Street was covered with stickers with the visual identity stolen from the list.

This is a criminal offence “Unauthorised use of the copyright or an object with similar rights“ referred to in article 199 of the Criminal Code.

6. DESTROYING THE CARICATURES OF PREDRAG KORAKSIĆ KORAKS

The exhibition of the caricatures of Predrag Koraksić Koraks, which had been registered and set up in front of the Assembly of the City of Belgrade on February 8th by the “Let’s not drown Belgrade“ Initiative, was damaged on the night between February 10th and 11th by the graffiti with

⁵² <http://informer.rs/vesti/drustvo/367889/odgovor-na-informacije-objavljene-na-sajtu-www-informer-rs>
<http://www.alo.rs/ne-davimo-beograd-nikada-nisu-pribegavali-nasilju/144149>

the following messages: “Stop Soros“ and “Give the duck to daddy“. The members of the Initiative had taken off the stickers with the similar content the night before.⁵³

The damage was reported to the police.

7. THREATS AND ASSAULTS

In the night between February 11th and 12th, the candidate from the Initiative electoral list received threatening calls on his landline phone. The first call was taken by his mother around 22.30 and an hour later he took the second call with the same threats. The threats were reported to the police.

This is a criminal offence “Stalking“ referred to in article 138a of the Criminal Code.

8. AN ASSAULT ON THE ELECTORAL LIST CANDIDATE BY A DISGUISED PERSON IN VINČA

During the organisation of the media event in front of the landfill Vinča on February 12th, there was an incident and the electoral list holder Ksenija Radovanović and the first candidate Dobrica Veselinović were assaulted and threatened. Fifteen minutes after the beginning of the event, two unknown men appeared and they stood on the side and took pictures. When Ksenija Radovanović took a picture of them, one of them ran towards her shouting, “Why are you taking pictures of me?“ and “You will see now!“. The same person went away and later returned with the mask of Vladimir Putin on his face. Later the person’s identity was confirmed as an employee of the Public Utility Company “City Sanitation“. The case was reported to the police.

This is a criminal offence “Violation of safety“ referred to in article 138 and “Violent behaviour“ referred to in article 344 of the Criminal Code.

9. THE NEGATIVE CAMPAIGN: STICKING THE MATERIAL BELONGING TO THE INITIATIVE ON CAR WINDSCREENS IN VIDIKOVAC

On February 19th, distressed citizens started calling the Initiative reporting that the propaganda material with the symbols of the Initiative was stuck on their car windcreens causing material damage on cars. When the authorised coordinator in the Municipality of Rakovica went to the Rakovica police station to report these incidents, he noticed a car of Opel Astra make without plates with four persons inside. What drew his attention was the fact that the driver was pointing at his direction. When he approached them, they covered their faces so

he would not be able to see them, they quickly started the engine and almost hurt him. Sticking materials and illegal stalking were reported to the police.

This is a criminal offence “Destruction and damaging of other people’s property“ referred to in article 212 and “Violation of safety“ referred to in article 138 of the Criminal Code.

10. STICKERS ON THE WALLS OF THE PREMISES OF THE INITIATIVE WITH THE SYMBOLS OF THE LIST “OATH-KEEPERS“ (“ZAVETNICI“)

In the night between February 22nd and 23rd, the walls of the premises of the headquarters (in 34b Bulevar Despotina Stefana Street) were covered with stickers with the messages “Foreign agents“ and “Closed from March 4th“ and signed by “Oath-keepers“ with number 10 circled.

This is a criminal offence “Stirring national, racial and religious hatred and intolerance“ referred to in article 317 of the Criminal Code.

11. FAILURE TO HOLD THE DEBATE DEDICATED TO CULTURE IN POLITICS AT THE CULTURAL CENTRE OF BELGRADE

Representatives of the “Let’s not drown Belgrade“ Initiative were invited, as well as other participants of the election process, by the Independent Cultural Scene of Serbia Association (ICSS) to the public debate “Do we need culture? – a public pre-electoral debate“. It was supposed to be held at the Cultural Centre of Belgrade on February 22nd. The ICSS had previously sent an enquiry about the conditions of using the premises, but the Acting Director Gordana Gončić said that she had to consider the matter and, after considering it, she said that the cultural centre could not be used for culture-related discussions. The event took place at the Media Centre afterwards.

It is possible to interpret the action of the Acting Director as a criminal offence “Obstructing the political and syndicate- or association-related activities“ referred to in article 152 of the Criminal Code.

53 <https://promenadolazi.rs/vandalizovana-izlozba-predraga-koraksica-koraksa/>

ATTACKS ON THE MEDIA AND THE ORGANISATION OF THE CIVIL SOCIETY

The walls of the premises of the Independent Journalists' Association of Serbia (IJAS) were covered with posters with the following messages: "free", "independent" and "unbiased" journalists of the IJAS – 10 questions for SAŠA JANKOVIC from the Gojkovic family. The same thing happened in Prote Mateje Street where posters were stuck on the window of the premises of the daily newspaper "Danas" ("Today").

"It is clearly a reaction to Saša Jankovic's statement published on the front page of the "Danas" on Tuesday where he says that after winning the Belgrade elections, the opposition will demand the republic elections. Jankovic had been in our offices on Monday to shoot the programme "Today in Belgrade" which would be broadcast in the next few days on the "Danas" portal. This points to the fact that the night "guerrilla fighters" of the ruling party are well informed what happens in our offices during the day and the real message is: "I know where you are!" – said Dragoljub Petrović, the Editor-in-Chief of the "Danas".

BRIBERY AND PRESSURES ON VOTERS

During the campaigning, there were recorded cases of pressure coerced on voters and of indirect vote buying on several locations in the whole city of Belgrade. Moreover, there were recorded cases of exerting pressure on political actors in terms of preventing the organisation of gatherings with citizens in public spaces as well as cases of intimidation.

The largest number of information regarding pressures exerted on voters and bribery were related to the ruling parties at the local and national level, i.e. to the support to the electoral list "Aleksandar Vučić – Because We Love Belgrade!"

An example of indirect vote buying, we would like to enumerate the situations in which the voters were given humanitarian aid in exchange of a certain vote. The long-term observers reported about situations occurring throughout Belgrade in which an indirect bribery was attempted with through a food products packages (oil, sugar, flour, cold cuts), packages with personal and home care products, free medical examinations or offers of free programmes organised by municipalities or the party.

"My father received a call to his personal cell phone by a certain Biljana from the Municipal Board of Novi Beograd of the Serbian Progressive Party, who interviewed my father, in order to find out whether as a family we are voters of the Serbian Progressive Party. For the purpose of confirming these indications, Dad said that we were, to what Biljana offered my father a membership in the party, and then promised the package, which was supposed to arrive at our home address. She also

invited the entire family to come for a medical examination, at the party headquarters in Palmira Toljatija Street. We were unable to go, but I know people who went there. The package arrived a few days later, in a white unbranded bag, containing 5kg of flour, 2l of oil, 2kg of sugar and 2 cans of cold cut (photo). They reminded us at the door, while handing over the package, for whom we should vote." – this is only one of recorded testimonies from the long-term observers report.

"Upon the invitation to medical examination that were sent to the citizens of Novi Beograd, more precisely to those living next to the old Merkator and Džona Kenedija Street, these examinations were performed in the premises of the municipal board and in the registered office of the party in 5 Palmira Toljatija Street, on February 18th. Women were subjected to the thyroid gland examination while an ultrasound examination of the abdomen was performed on men. No reports were given and there were no doctors' signatures. They were given vitamin supplements. A grandpa was referred to a urologic exam outside any of medical institutions where he was only given an advice as to what to check, yet again without any written report.." – another testimony presented in the long-term observers report.

The Union of Women of the Municipal Board of the Serbian Progressive Party in Novi Beograd boasted about allocating the social assistance to the most vulnerable groups of citizens on February 25th. Also, it was confirmed that the Union of Women of SNS in Novi Beograd organised the distribution of vouchers for children's clothes, as well as excursions for the retired to Fruška Gora and Avala.

Humanitarian activities are also characteristic for the electoral list "Ivica Dačić - SPS". The SPS organised the distribution of free spectacles and ophthalmological examination on February 24th in Karaburma, as well as free blood pressure measurement in the Košutnjak Local Community in Rakovica.

There were no recorded information about the direct vote buying, only statements, while at the very end of the campaign, new information were noted about the pressures exerted on citizens, as well as on employees in public institutions, users of various socio-economic services and vulnerable groups. The reported pressure on voters shall be illustrated through the following examples.

PRESIDENT OF THE MUNICIPALITY OF GROCKA AND THREATS TO VOTERS

The meeting of the president of the Municipality of Grocka with citizens is one of the examples of promotional activities in the campaigning that resulted in abuse of public resources, as well as the possible occurrence of criminal acts related to the voting. As a matter of fact, the meeting of the president of the municipality of Grocka with the citizens was held on February 6th 2018, regarding

the request of citizens for the asphaltting of certain streets in that part of the city.⁵⁴

The meeting was held in the large hall of the municipal Assembly of Grocka and was announced on the website of the Municipality of Grocka as a meeting of the municipal and the city heads with the interest of resolving citizens' problems. Nonetheless, the meeting was used for promotion of the candidates featuring on the electoral list for the upcoming elections "Aleksandar Vučić – Because We Love Belgrade!". The photograph of the president of the Serbian Progressive Party and the holder of the list was prominently put on the wall behind the officials, which can be easily perceivable if the photos or footage hereby enclosed are examined⁵⁵. In this way, legal provisions were blatantly violated and so-called "public officials' campaigning" occurred as well as the abuse of public resources. Namely, article 29, paragraph 2 explicitly stipulates that public official may not use the public resources and public meetings that he attends in capacity of official for promotion of any political parties, and/or political entities. The same article in paragraph 4 prescribes that a public official is required at all times to unequivocally present to his interlocutors and the general public whether he is presenting the viewpoints of the body in which he holds an office or viewpoints of a political party, and/or political entity.

During the meeting, talks were held with all citizens who had applied according to a certain list. At one moment, the president of the municipality read the name of one citizen and established that she had not voted in the previous elections and said: "We know about that!" and added that if she wanted the state to do something for her, she "should vote for the state" as it is a "mutual interest".

On this occasion, the president of the Municipality of Grocka violated one of the basic principles of the voting process, i.e. the secrecy of voting. The Constitution of the Republic of Serbia in its article 52 stipulates that voting is secret and personal. It remains unclear how the president of the Municipality of Grocka beholds the information whether a citizen had voted in the elections. Polling station committees keep record about the turnout in percentages on municipal territories and on the entire territory of the Republic, but it is impossible to keep records on the vote of every citizen.

Therefore, **prompting certain citizens to "cast their votes to the state" in order to be able "to ask for something from the state" represents a blatant form of pressure exerted on voters**, and can also be interpreted as an element

of criminal offence referred to in article 155, paragraph 2 of the Criminal Code: "Whoever offers, gives, promises reward, gift or other benefit to another in order to vote or not to vote in elections or referendum for or against a particular person or issue, shall be punished...". By putting into proportion premises that if it is required that "the state works and builds" than "a vote must be given to the state", bearing in mind the whole context of the meeting, it is clear that a pressure was coerced on citizens in order to prompt them to vote for a certain list in exchange for a proper benefit (asphaltting of a street).

DISTURBING THE CITIZENS OVER THE TELEPHONE

During this reporting period, the CRTA observation mission recorded several dozens of citizens' complaints about disturbances over the cell phone by election headquarters of the Serbian Progressive Party that cannot be considered a simple campaigning carried out by phone or by SMS. This case indicates a potential abuse of citizens' personal data, too.

First of all, calling citizens on their landline was this time backed up by calling their private cell phone numbers. The citizens who were on the caller list were not uniquely sympathisers or members of the party, but also ordinary people who had never left their phone numbers to any political party. The question remains how the electoral list "Aleksandar Vučić" acquired citizens' phone numbers and data regarding the territory they live in.

Secondly, the call centre of the electoral list "Aleksandar Vučić – Because We Love Belgrade!" not only prompted citizens to vote for them, but also promoted this list by offering different free programmes and examinations organised by this list in the premises of the municipal boards of the Serbian Progressive Party. On the basis of the data gathered by the CRTA observation mission from recordings of calls made to the citizens that are available on social networks, this list, for instance, offered free medical examinations (thyroid gland ultrasound, etc.) to the citizens of Belgrade⁵⁶.

Thirdly, the communication with citizens over the phone engaged between the electoral "Aleksandar Vučić – Because We Love Belgrade!" and citizens opened yet another question regarding the programme contents promoted by the list. The recording of the conversation between the call centre operator and the Istomer (Truth-o-Meter) journalist in their capacity of a natural person leads to conclusion that voters are misguided because disinformation about the councillors' identity are communicated. The operator said that Goran Vesić and Siniša Mali were not on the electoral list but that Aleksandar Vučić was, emphasising

54 <http://www.grocka.rs/prijem-gradjana-kod-predsednika-simonovica-2/>

55 <http://ziginfo.rs/neverovatne-ucene-predsednik-sns-a-i-go-grocke-zna-da-li-je-neko-glasao-i-trazi-da-se-glasa-za-drzavu-video/>

56 <https://www.youtube.com/watch?v=IcxXB6rDDFA>

ing the presence of other famous public personalities (Žika Šarenica, Branko Kockica, Aja Jung) on the electoral list.

Disturbing of citizens by the phone is primarily regulated by the Law on Electronic Communication and foresees as a last resort disconnection of the subscriber from the network. Every operator has a special form, i.e. the Rulebook on conditions and procedures of acting upon reports on disturbances. Operators can easily determine the phone number from which calls originated even if the caller ID was displayed as hidden on the receiver's screen.

On the other hand, there are certain articles of the Criminal Code that can be applied in case of phone or social networks nuisance if safety of a certain person is endangered or if there are threats of attack against life and body.

It convenes to mention that the procedure preventing from malicious or disturbing calls undertaken by operators are different, but they mostly comprise the following:

- 1) Once they determine the phone number from which the call originated, operators first issue a warning;
- 2) If disturbances originating from the same number are repeated in the period of 90 days from the warning, the number shall be temporarily disconnected (a 15-day disconnection period);
- 3) If after the reconnection of the temporarily disconnected number, disturbances reoccur, again in the period of 90 days, this number shall be permanently disconnected from the network and the subscriber's contract terminated.

A practical advice is to set up the phone to **automatically reject calls** (if it is a smartphone and if the number is not hidden).

PROTOCOL ON COOPERATION BETWEEN THE PARTY AND ASSOCIATIONS OF PERSONS WITH DISABILITIES

Associations of persons with disabilities signed a protocol with the Serbian Progressive Party under which the administrations of those associations are expected to inquire their members whether they shall vote and for whom they shall vote. According to the daily "Danas"^[14], this initiative emanated directly from Ministry of Labour, Employment, Veteran and Social Affairs.

As it is further stated in the article, an employee of the City Organisation of Blind Persons in Belgrade (GOSB) confirmed that this association had signed a memorandum of cooperation and that they had received an order for each member to declare whether they would go to the polls and who they would vote for, but that no members were obli-

gated to declare themselves, which means that there were no pressures but that the information were gathered for informational purposes. She added that other organisations of persons with disabilities had also signed this protocol with the Serbian Progressive Party but not with any other political parties.

According to the data acquired by the CRTA observation mission, the Municipality of Savski venac signed a Memorandum of cooperation with the National Organisation of Persons with Disabilities (NOOIS). The agreement was signed by the president of the Municipality Irena Vujović and the president of the NOOIS Milan Stošić.

This situation is questionable from various reasons, primarily because this is utterly odd in a modern democratic practice, but also because there is a possibility that the initiative emanated from an administrative body, i.e. from the Ministry of Labour, Employment, Veteran and Social Affairs.

In the context of constitutionally guaranteed electoral rights (article 52 of the Constitution), such memoranda and activities resulting therefrom, between associations founded for protection and improvement of rights especially of rights of particularly vulnerable categories of the population, can seriously jeopardise and influence the citizens' electoral will.

Pursuant to article 3 of the Law on Local Elections, no one is entitled, on any grounds whatsoever, to prevent or force a citizen to vote, hold them accountable for having voted or require them to state for whom they have voted or why they have not voted.

This is why such case cannot be justified by potential counterarguments stating that this is a survey or gathering of data for purposes of public opinion research.

These occurrences are worrisome because they are recurrent. They keep repeating in this election process and in previous election campaigns, as well. Such activities are very frequent and undertaken in public institutions.

MISUSE OF PUBLIC RESOURCES IN THE CAMPAIGN

During campaigning for the Belgrade elections, it was recorded that a large number of local public officials and the highest state officials actively participated in the campaign. Knowing that the Belgrade elections had been held as independent elections for the first time since 1900 (and not in coordination with another election process) it was to be expected that city officials participate in such a large number. In addition to city officials, municipal officials participated and appeared either independently or in joint promotional activities. However, one of the characteristics

that marked the Belgrade elections is the participation of state officials in the campaign – ministers in the Government, Prime Minister and President of the Republic of Serbia. The participation of the highest state officials in the campaign can be justified by the fact that very often candidates from the electoral lists, as well as of a single list, appeared without clear and concrete programs that often went beyond the local policy framework, as well as beyond the competencies and powers of local self-governments⁵⁷.

If we bear in mind the fact that the officials' participation in the campaigning has represented in several election processes a dominant form of the abuse of public resources in the election campaign, we can conclude that the Belgrade elections were not an exception, but that they rather confirmed the rule. What certainly attracts attention is that public officials' campaigning was not characterised only by local and city officials but also the highest state officials. As far as the relevant legal framework is concerned, article 29 of the Anti-Corruption Agency Act explicitly forbids that an official uses the public resources and public meetings that he attends in capacity of official for promotion of any political parties, and/or political entities. The Law even takes a step forward stipulating that an official is required at all times to unequivocally present to his interlocutors and the general public whether he is presenting the viewpoints of the body in which he holds an office or viewpoints of a political party, and/or political entity.

Admittedly, this provision of the Law does not oblige public officials who are directly elected by (above all the President of the Republic of Serbia). In case of violation of article 29 of the Anti-Corruption Agency Act shall face a misdemeanour liability and be fined from 50,000 to 150,000 dinars.

During the campaigning, the CRTA long-term observers recorded numerous types of the highest state officials' participation in the campaign. This circle of officials participated in campaigning during their working hours and during discharge of their regular duties, but also in their free time and on non-working days. We can mention that the highest state officials used various types of gatherings in their companies or outdoors in order to promote the electoral lists: classic rallies, opening of different communal and infrastructural works and buildings, visits to different institutions and structures, but also informal get-togethers with citizens, divers meetings, participations in communal works and sweepings, giving of varied piece of advice, etc.

We shall hereunder present characteristic cases of violation of article 29 of the Anti-Corruption Agency Act by the highest state officials:

- Election rallies of the Serbian Progressive Party held on February 11th in Batajnica, February 17th in Voždovac and February 25th in Grocka where the President of the Republic of Serbia was present in order to promote the electoral list under number 1;
- Prime Minister, Ana Brnabić, was a guest of the speakers' platform of the municipal board Savski venac of the Serbian Progressive Party on February 17th and visited municipal board Novi Beograd of the Serbian Progressive Party on February 20th in order to promote the electoral list under number 1;
- Election rally of the SPS on February 18th in Zemun attended by the Minister of Foreign Affairs Ivica Dačić;
- Minister of Mining and Energy Aleksandar Antić talked to citizens in Knez Mihailova Street during his working hours, at 11 o'clock on February 2nd;
- On February 6th, Minister of Justice Nela Kuburović provided legal advice to citizens of the municipality of Novi Beograd and prompted them to vote for the electoral list "Aleksandar Vučić – Because We Love Belgrade";
- Deputy Prime Minister Zorana Mihajlović visited Obrenovac and associated with its citizens on February 5th and she used her office to promote the electoral list under number 1;
- Minister of Agriculture, Forestry and Water Management Branislava Nedimovića visited Palilula and Surčin, on February 2nd in order to promote the electoral list, and;
- Deputy Prime Minister and Minister of Economy, Tourism and Telecommunications Rasim Ljajić participated in the cleaning of a park during his working hours on February 23rd.

CENTRES FOR SOCIAL WORKS AND CERTAIN VOTES

During the election campaign for councillors of the Belgrade City Assembly, a large number of irregularities was recorded especially of those representing the abuse of state bodies by the representatives of the ruling party and its officials in order to get support from voters and certain votes. The way in which certain public enterprises and institutions were used for gathering of votes for the ruling party, i.e. for electoral list "Aleksandar Vučić – Because We Love Belgrade" is contrary to all democratic rules, international standards, good practice and last but not least, to the existing legal framework.

57 One of the findings of the CRTA's observation mission first report indicates the absence of clear programmes and goals of political entities <https://goo.gl/dEDjQY>

During the campaign, the abuse of public utility companies was recorded, namely of JKP “Beograd put” (PUC “Belgrade Road Maintenance”) and JKP “Zelenilo Beograd” (PUC “Belgrade Greenery”), followed by signing of various protocols of cooperation between the Serbian Progressive Party or certain municipalities governed by this party representatives, on one side, and on the other Associations of Persons with Disabilities and Centres for Social Work. In the text hereunder, we shall present specific cases of pressures exerted not only on the employees of the Centre for Social Work but also to beneficiaries of its services who fall into the category of vulnerable citizens.

Elderly care housekeepers in Belgrade centres for social work were instructed by the Serbian Progressive Party to gather data from their beneficiaries to whom they would vote. Housekeepers who worked under a fixed-term contract were evinced that they would find a way for their permanent employment if they fulfilled this task. As it was also stated in the “Danas” article, in centres for social work in Belgrade there were meetings held in previous days in between the representatives of the Serbian Progressive Party and all elderly care housekeepers. During these meetings, printed forms were distributed and they were given the task to inquire their beneficiaries to whom they would vote. They were instructed to take personal data from persons who would vote for the Serbian Progressive Party. As the “Danas” wrote, this task referred primarily to elderly care housekeepers having a fixed-term contract. Each of them was supposed to gather data of at least 30 beneficiaries although it did not pertain to their work obligation.

Associations of persons with disabilities signed a protocol with the Serbian Progressive Party under which the administrations of those associations are expected to inquire their members whether they shall vote and for whom they shall vote. According to the daily “Danas“, this initiative emanated directly from Ministry of Labour, Employment, Veteran and Social Affairs.

As it is further stated in the article, an employee of the City Organisation of Blind Persons in Belgrade (GOSB) confirmed that this association had signed a memorandum of cooperation and that they had received an order for each member to declare whether they would go to the polls and who they would vote for, but that no members were obligated to declare themselves, which means that there were no pressures but that the information were gathered for informational purposes. She added that other organisations of persons with disabilities had also signed this protocol with the Serbian Progressive Party but not with any other political parties. The interlocutor from the organisation “Fibi“ pointed out that this initiative emanated from the minister’s assistant Biljana Barošević (minister’s assistant in the Sector of protection of persons with disabilities). Besides, one of the members of the Association of the Blind

emphasised that this decision was not brought by members or by the Assembly but by influential individuals in these organisation for persons with disabilities.

This situation is questionable from various reasons, primarily because the initiative emanated from an administrative body, i.e. from the Ministry of Labour, Employment, Veteran and Social Affairs. In this way, a state body was put in the service of a political party thus abusing the public resources. On the same day, the Municipality of Savski venac signed a Memorandum of cooperation with the National Organisation of Persons with Disabilities (NOOIS). The agreement was signed by the president of the Municipality Irena Vujović and the president of the NOOIS Milan Stošić.

The City Centre for Social Work got from the Ministry of Labour, Employment, Veteran and Social Affairs 208.5 million dinars in the name of one-time assistance to socially vulnerable categories of persons. The funds amounting to 15,000 dinars per person were allocated to 13,900 persons from municipalities of Lazarevac, Barajevo, Vračar, Sopot, Grocka, Obrenovac. What is questionable and indicates the possible abuse, according to the “Danas” is the fact that out of 200 persons featuring on the list for the aid in the Municipality of Lazarevac, there was only one person who was a registered beneficiary of the Centre. Lists of people who should be given the funds were brought to municipalities. The “Danas” interlocutor, who works in the City Centre of Social Work, specified that a number of Centre’s beneficiaries were left without funds because the head of the Serbian Progressive Party had ordered that the money be disbursed to this party voters. The employees would not decide about the money, but only the heads who were the Serbian Progressive Party.

Without estimating the truthfulness of the published information, as this is an aspect that should be established by the competent authorities, the prosecutor’s office and the police, in view of the public’s interest, on this occasion, we shall consider the whole case as a phenomenon in the context of election campaigns and legal regulations.

The Constitution of the Republic of Serbia and the Labour Act forbid any kind of indirect and direct discrimination on whatever grounds and especially on grounds of political or any other convictions. In this particular case, employees were put into an unfavourable position in comparison to other individuals in the same or similar situation as they are requested to perform duties that do not fall into their regular work obligations nor result from their job descriptions, but have and may have an impact to their employment status.

Pursuant to the Law on Local Elections, no one is entitled, on any grounds whatsoever, to prevent or force a citizen

to vote, hold them accountable for having voted or require them to state for whom they have voted or why they have not voted. In case of such pressure or promise of a benefit or a loss of a certain right if votes are assured to a political entity, elements of criminal offence – Violation of the voting right and Election Bribery.

The said provisions concern not only people who coerce pressure on employees to perform activities in favour of a political entity in order to gather the information to whom beneficiaries shall vote, but also to the very employees – the elderly care housekeepers, if they influence their beneficiaries to vote for a certain electoral list due to potential fear for their employment status. Although elderly care housekeepers are pressured to gather data from their beneficiaries – voters, given the nature of their work and the status of beneficiaries, this issue is very delicate. According to the Law on the Election of Members of the Parliament which is applied to the election process, each voter cast their vote individually and secretly. Nonetheless, a voter who is not able to vote at the polling station (blind, disabled or illiterate person) has the right to bring along a person who shall instead of them and in the manner determined by them, fill-in the ballot paper, i.e. cast a vote. As housekeepers take care of these persons and these persons trust them as they satisfy their basic needs, we can deduce motives for which this “task” has been given to housekeepers.

Furthermore, a voter not able to vote at a polling station (incapacitated or prevented person) may notify the polling committee of their wish to vote on the day of the election. Three members of the polling committees shall go to the place of such a voter with all the necessary documentation, in order to ascertain the electoral right to such voter. The question arises as to how the voter shall vote if they had to declare it before the Election Day, whether they will change their electoral will on the Election Day and whether they will feel obligated by a previous declaration.

When the whole case is considered and perceived from the standing of positive legal provisions, we have two situations that classify such activity as abusive, prohibited and incriminating. Pressure on employees is carried out by a specific political party and heads of the abovementioned institutions by promising of certain benefits or the loss of certain rights. On the other hand, certain allocations from the budget funds are intended for persons who have the electoral right but who are not beneficiaries of the Centre for Social Work.

MEDIA

MEDIA IN CAMPAIGNING

Media are a dominant source of information of citizens when it comes to social and political topics, and consequently one of the dominant factors influencing voters' orientation whether they shall participate in the election process and if so for whom they shall vote. During previous election cycles, unequal media coverage of political stakeholders was recorded. In relation to that, the media image is a crucial indicator of electoral race conditions in which participate stakeholders of the election process, but also voters who are addressed these political messages through the media.

An objective, truthful and timely informing of citizens is guaranteed by the Constitution and by a wide range of laws and by-laws⁵⁸. While analysing the media contents, we paid special attention to potential violation of legal provisions.

58 Article 51 of the Constitution: "Everyone shall have the right to be informed accurately, fully and timely about issues of public importance. The media shall have the obligation to respect this right"; article 5 of the Law on Public Informing and Media stipulates that "Everyone shall have the right to be informed accurately, fully and timely about issues of public importance and all media outlets shall have the obligation to respect this right"; article 6 of the Law on Public Information referring to protection of media pluralism stipulates that "in order to enable citizens to form their own opinions about occurrences, events and persons, it shall encourage the diversity of information sources and media contents"; article 5 Truthfulness and completeness of information of the Rulebook on protection of human rights in the area of media services providing passed on by the REM, "A media service provider is held to ensure truthfulness and completeness of information, i.e. authenticity and completeness of ideas and opinions it publishes, especially in news and actuality programmes"; article 7 Objectivity of Information, of the Rulebook on protection of human rights in the area of media services providing passed on by the REM, "When informing the public, a media service provider is held to ensure objectivity while informing which is appropriate to the nature of the information, the area of social life it refers to and the nature of the programme contents the information is published in"; article 4 of the Law on Local Elections: "Citizens are entitled, by the means of public information outlets, to be equally, timely, truthfully, impartially and completely informed about the election campaign of all submitters of electoral lists and candidates from such lists, as well as about other events of importance for the elections.. Public information outlets shall in the election campaign ensure equality, timeliness, truthfulness, impartiality and completeness in providing information about all submitters of electoral lists and candidates from such lists, as well as about other events of importance for the elections. The election campaign, in the sense of this Law, represents all public, political and promotional activities of the electoral lists submitters and candidates of those lists"; article 47 point 5 of the Law on Electronic Media stipulates that the media service provider is held to "respect the ban on political advertising outside of political campaigns and during the such campaign enable registered political parties, coalitions and candidates representation without discrimination"; especially if statements addressing incompetence, immoral or illicit acting or debates including confrontations".

METHODOLOGY

The selection of media and shows that the CARTA observation mission monitored during the electoral campaign for the Belgrade elections was made on the basis of public opinion surveys about the media from which the citizens of Belgrade are most often informed about political, economic and social topics. The survey demonstrated that the basic source of information are mainly traditional media (primarily television, followed by printed media, radio and on-line editions of these media), immediate environment and lastly social networks and web portals.

The CARTA observation mission monitored media coverage of: TV RTS (Drugi dnevnik (The Second News Bulletin), Jutarnji program (Morning Programme) and Beogradska hronika (Belgrade's Chronicle), TV Prva (News Bulletin), TV N1 (News Bulletin and Morning Programme), Studio B (News), TV Pink (National News Bulletin and Morning Programme), portals Blic.rs, Kurir.rs and B92.net, as well as the daily newspapers Blic, Večernje novosti, Kurir, Informer and Politika.

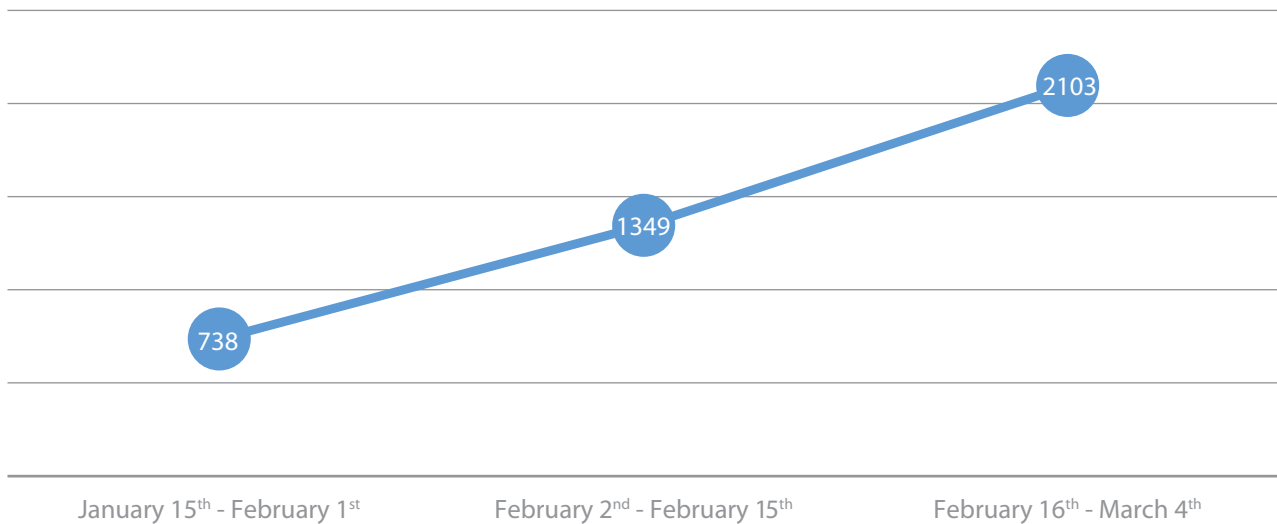
Media monitoring comprised the following stakeholders: representatives of the ruling majority and the opposition (leaders), city officials, state officials, parties and movements. The methodology comprised monitoring of the stakeholders' media coverage, media reports tone, types of topics, "subjects" and "objects", placing of negative messages and verbal assaults, topics, cases of public officials campaigning.

MEDIA MONITORING - FINDINGS

When it comes to media analyses of the Belgrade elections, the campaign was not in line with standards for free and fair elections. Although the inequality between the government representatives and the opposition decreased with the campaign progress, their coverage was far from being equal. The government representatives had an easy access to the media and often used their public functions in order to send electoral messages. As well as previous campaigning, the electoral campaign for the Belgrade Elections was marked by verbal assaults and negative messages in the media.

Although the Belgrade elections were called on January 15th 2018, which marked the official start of the campaign, the topic of the Belgrade elections had been omnipresent in the media since autumn 2017. This is the reason why the CARTA observation mission started the media monitor-

THE INCREASE IN NUMBER OF MEDIA REPORTS BY CAMPAIGN PERIODS



ing on October 2nd 2017, before the elections were called and campaigning officially commenced in order to determine how the citizens were able to acquire the information about the elections and what kind of messages reached them from the ruling and from the opposition parties.

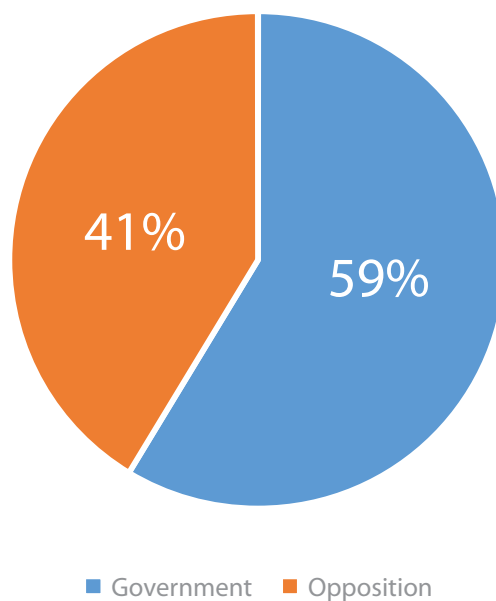
The findings of the media monitoring indicated that the election campaign had started in autumn 2017. The first overview⁵⁹, comprising the period from October 2nd 2017

59 <http://cрта.rs/wp-content/uploads/2018/03/CRTA-nalazi-media-monitoringa-Kampanja-pre-kampanje.pdf>

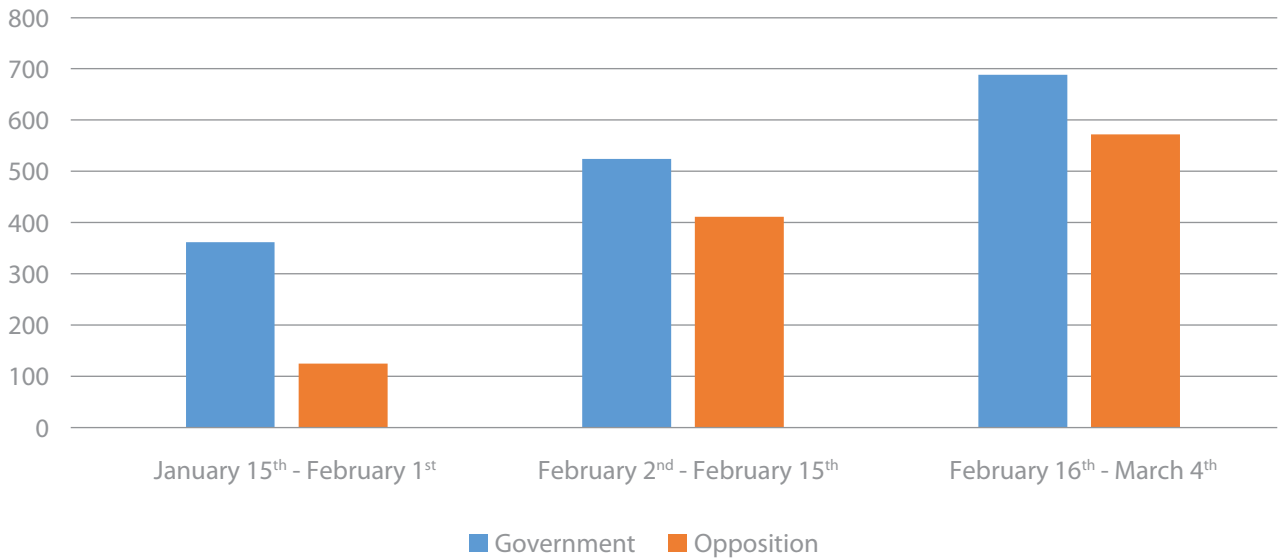
to January 15th 2018 showed that the government representatives were almost four times more present in the media compared to the opposition representatives, whereas there were also recorded cases of the so-called “officials campaigning”.

During the official electoral campaign period, from January 15th to March 4th, there was a total of 4,190 media announcements. The faster the finish of the electoral campaign approached, the more media announcements were recorded, which was expected. The number of electoral lists that participated in the Belgrade elections and the ob-

APPEARANCES OF THE GOVERNMENT AND OPPOSITION REPRESENTATIVES IN THE MEDIA



APPEARANCES OF THE GOVERNMENT AND OPPOSITION REPRESENTATIVES IN THE MEDIA BY CAMPAIGN PERIODS



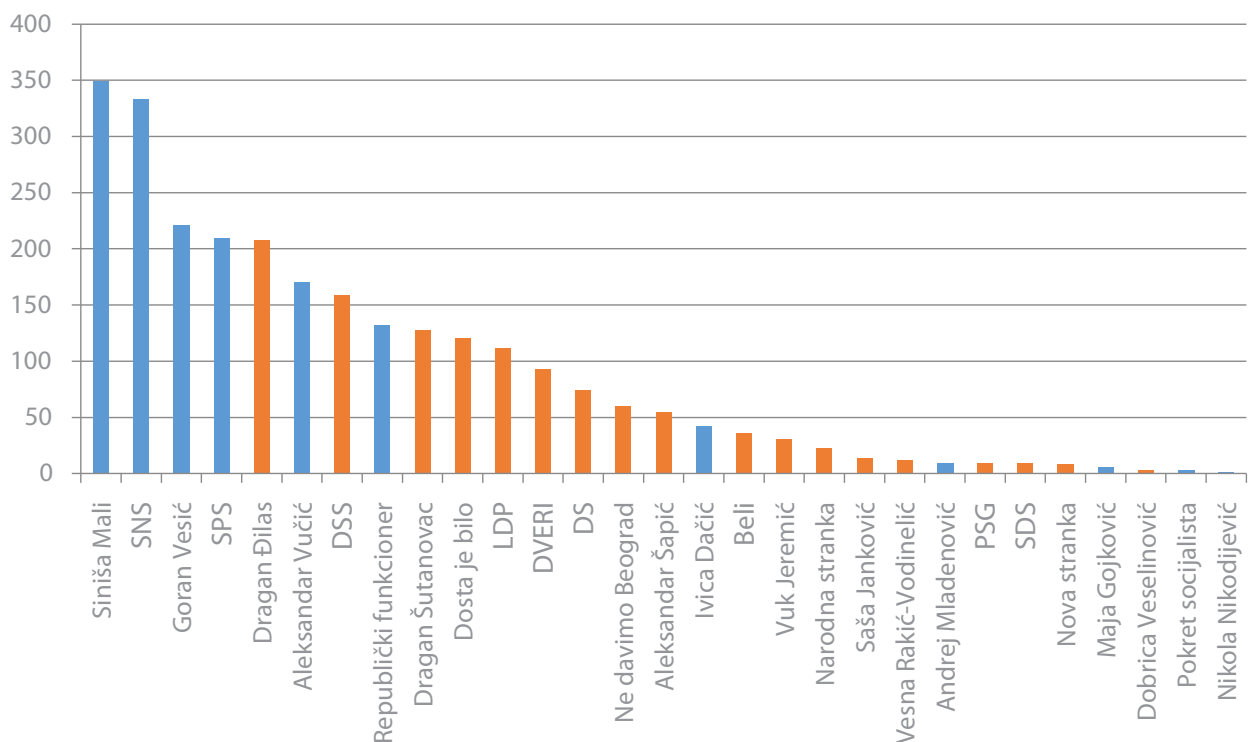
ligation of the electronic media to broadcast activities of all electoral lists in their main informative programmes had an impact on such occurrences.

Unequal media coverage of the government and opposition representatives was recorded during the entire campaign, although such inequality decreased with the campaign progress.

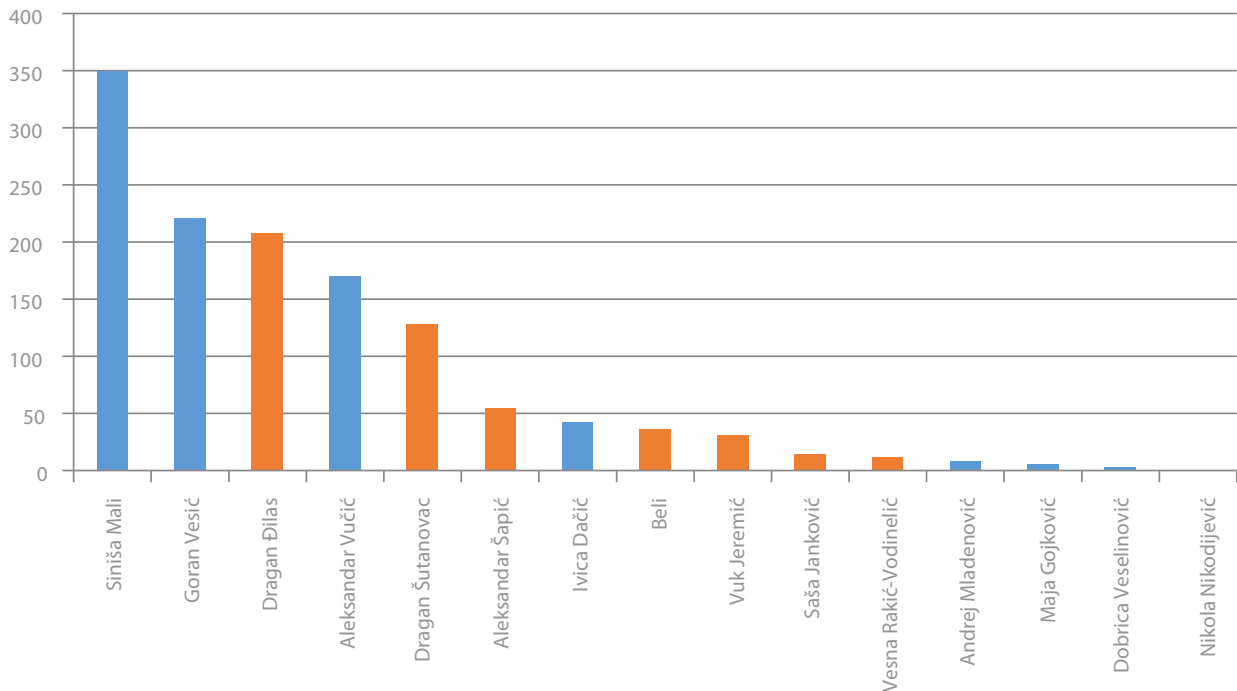
In comparison with the total number of monitored media announcements, the opposition was represented in 41 per cent, whereas ruling parties featured in as much as 59 per cent of cases.

The monitoring showed that the mayor of Belgrade Siniša Mali, the city manager Goran Vesić and Dragan Đilas from the opposition were individually the most represented in the media during the electoral campaign.

APPEARANCES OF ALL STAKEHOLDERS: PARTIES AND PERSONS



APPEARANCES OF INDIVIDUAL STAKEHOLDERS



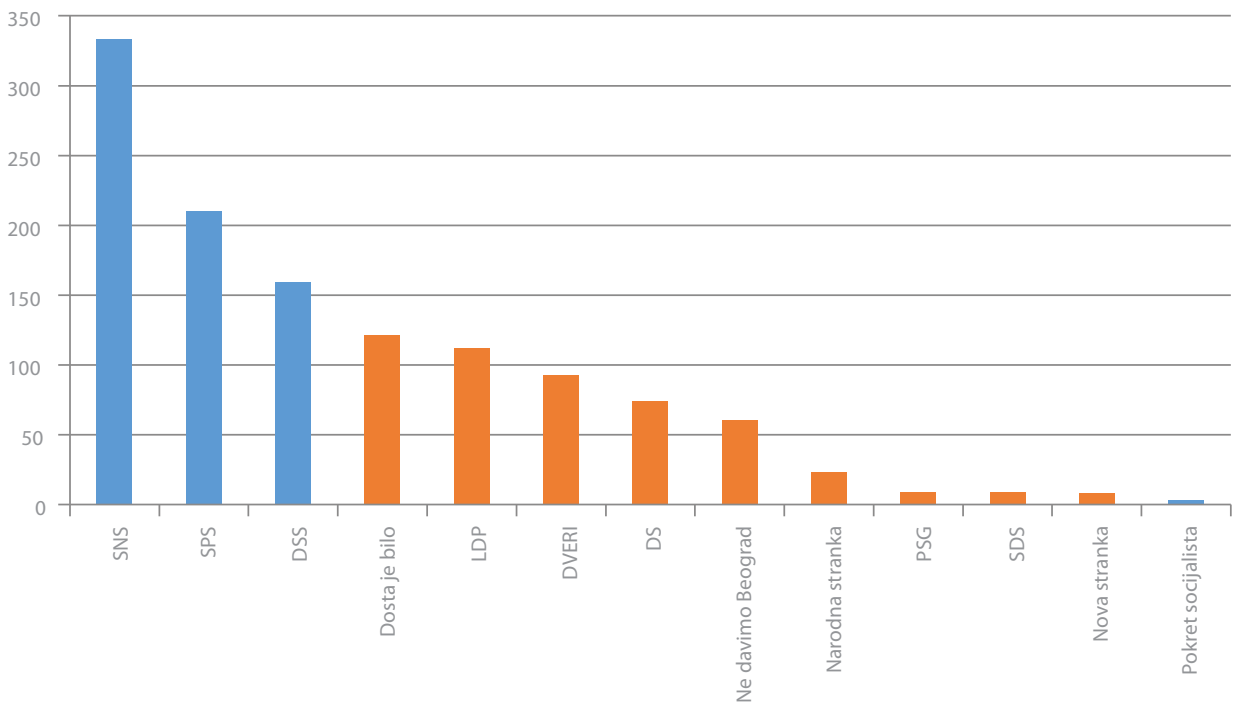
When it comes to the representation of political parties and movements, the Serbian Progressive Party and the Socialist Party of Serbia were most prominent during the election campaign in the media, both being ruling parties and coalition partners at the city and republic level.

Regarding the presence of political stakeholders in different types of media, the government representatives appeared more frequently in all three types: television, printed media and online media in comparison with the

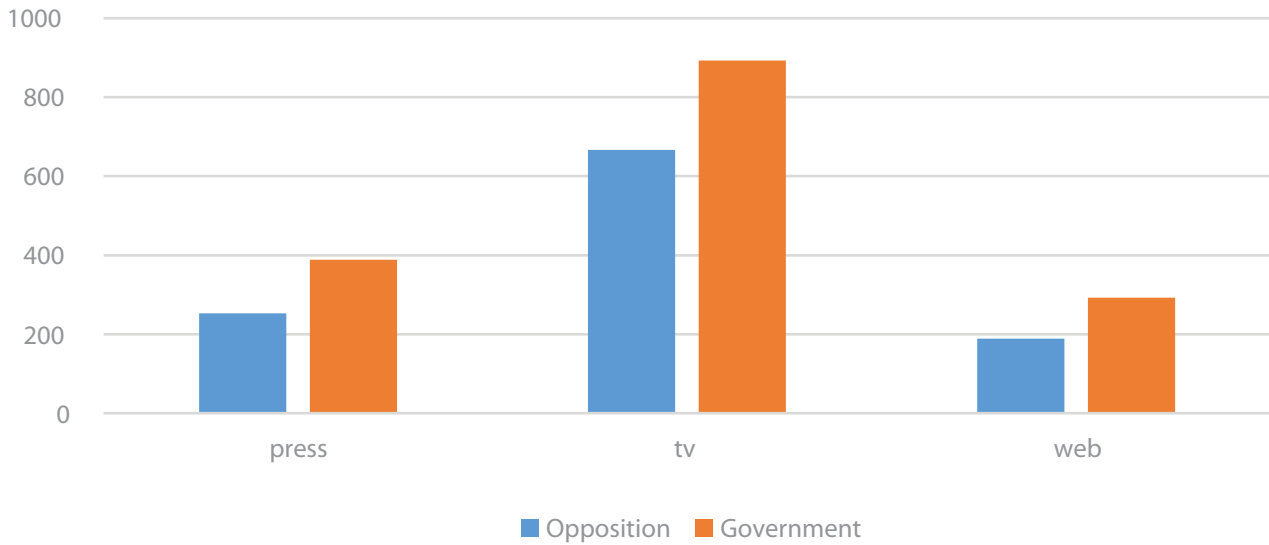
opposition. Unequal representation, especially on television is of a major importance knowing that the citizens of Belgrade acquire information about social and political topics primarily through this type of media.

A complete media image is obtained when the data on the media coverage of the stakeholders are crossed with the tone of data, i.e. whether the stakeholders are presented in a biased, fanatical, neutral, highly negative-hostile or criti-

APPEARANCES OF PARTIES/MOVEMENTS



APPEARANCES OF THE GOVERNMENT AND OPPOSITION REPRESENTATIVES BY MEDIA TYPE

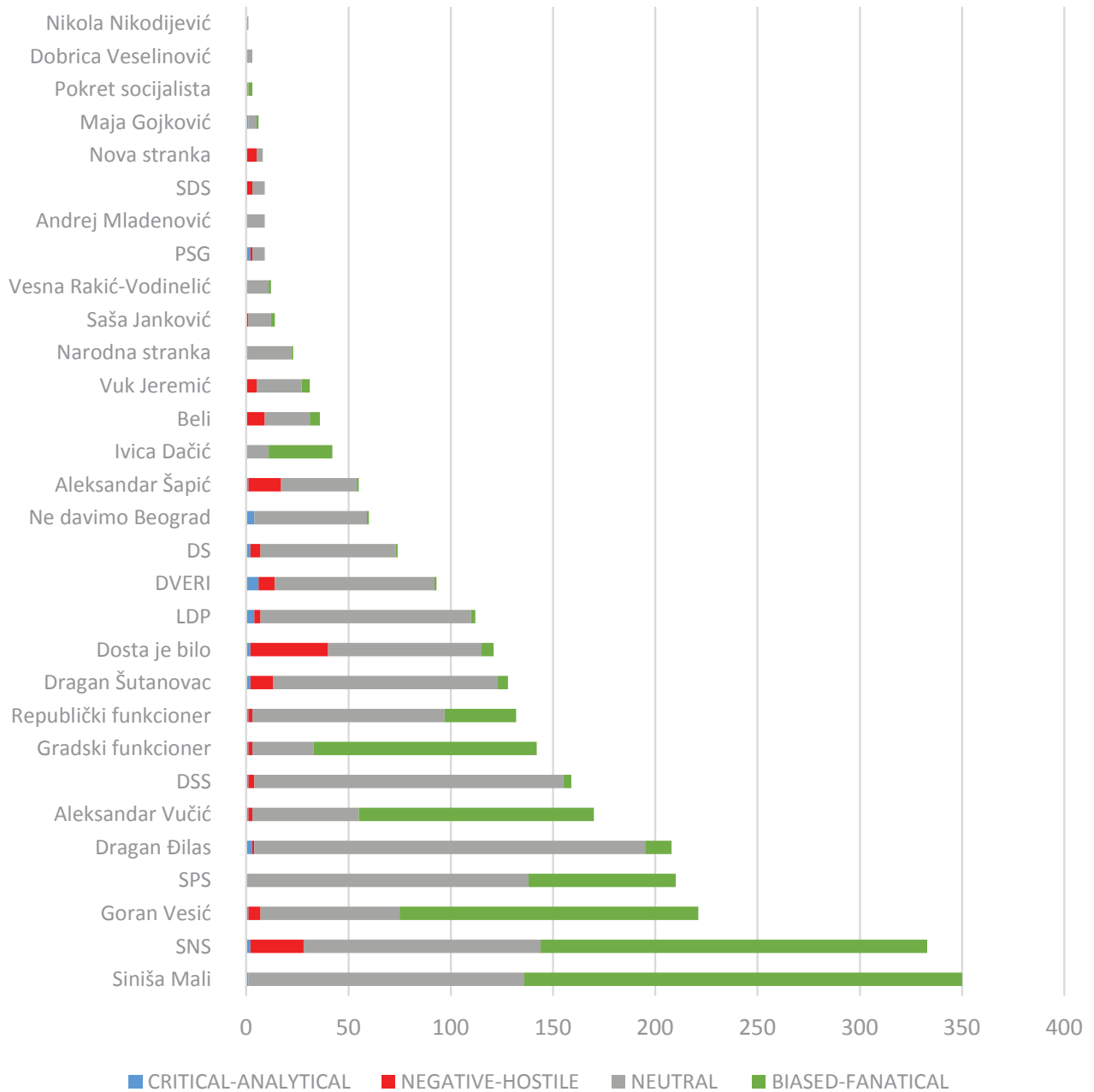


cal-analytical way.⁶⁰

The texts about the Mayor of Belgrade and the Serbian Progressive Party official Siniša Mali and the city manager and the Serbian Progressive Party official Goran Vesić were in the vast majority written in a biased-fanatic tone, unlike the texts on the opposition representative Dragan Dilas that were mostly neutral and focused only on monitoring his daily activities. This is in line with the finding that the appearances of the ruling parties are predominantly biased, while the coverage of the opposition is largely neutral, as it was found also while monitoring the period before the official start of the election campaign.

⁶⁰ The mere number of appearances does not provide a complete information regarding the way in which citizens were able to form their opinion about a stakeholder. If, for instance, an opposition entity had been more present in the media than a government representative but if the tone had been negative-hostile, it could have influenced citizens to form a negative opinion about that entity.

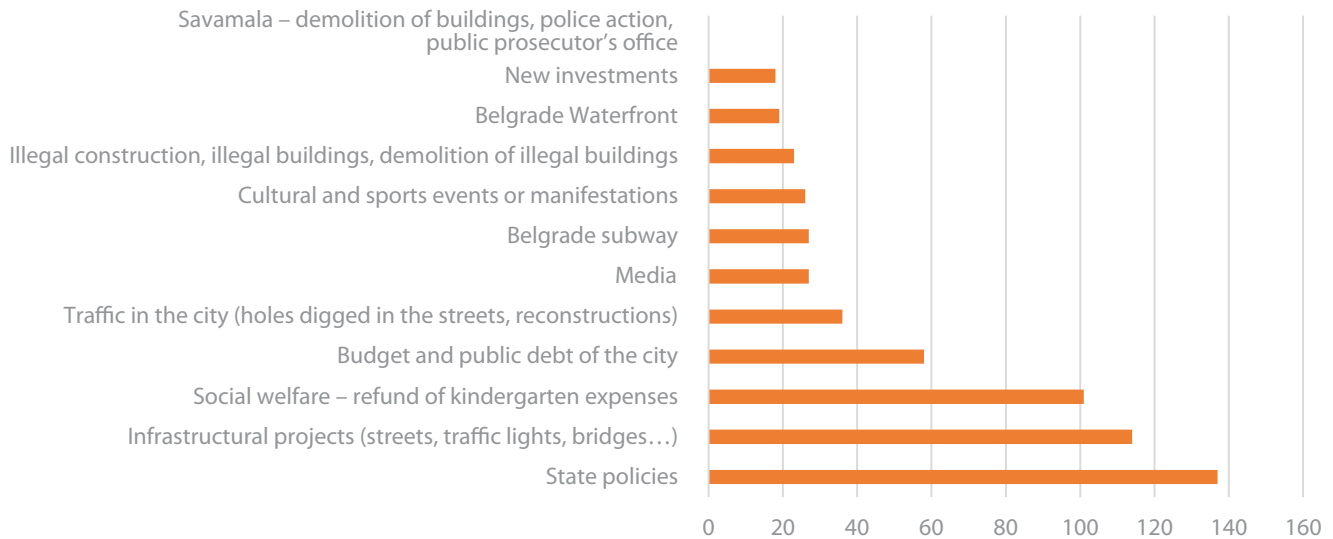
THE TONE OF MEDIA ANNOUNCEMENTS FEATURING POLITICAL STAKEHOLDERS



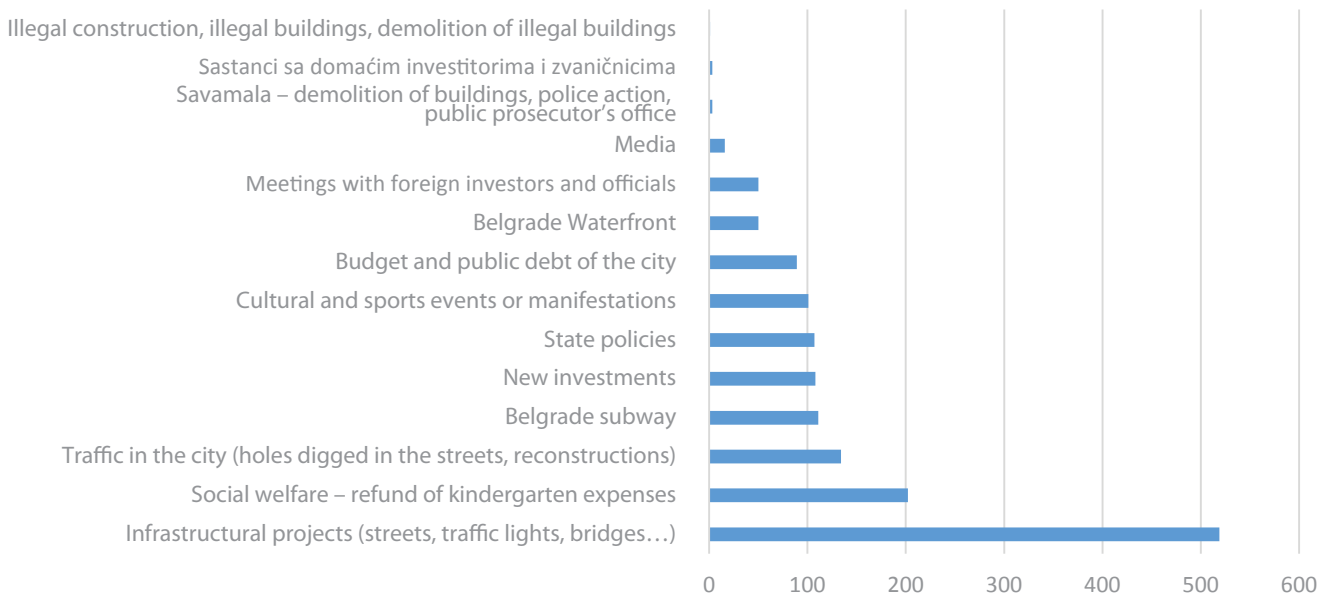
Speaking of the main topics, the ruling parties mostly dealt with infrastructure projects, social protection, urban traffic, while the state policy was considerably less represented as a topic. In contrast, the opposition parties mostly dealt with state policy in most media appearances, and rarely with social protection, urban traffic, subway and city budget.

Again, as oppose to the ruling parties, the opposition dealt with the media in its media appearances. This finding also corresponds to the situation recorded before the election campaign, which means that political stakeholders have not changed the focus of their interests and campaigns.

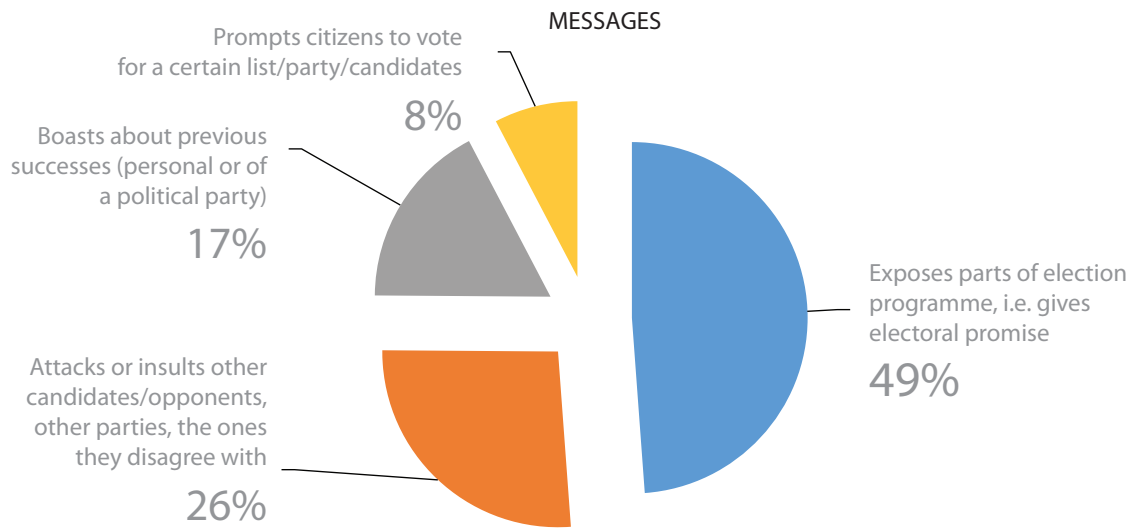
TOPICS TACKLED BY THE OPPOSITION



TOPICS TACKLED BY THE GOVERNMENT

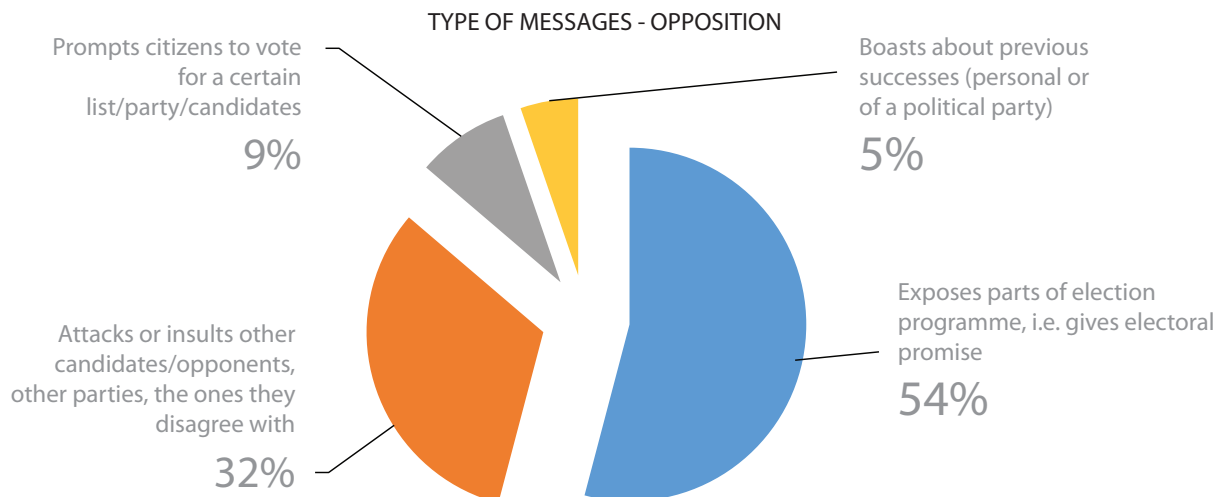
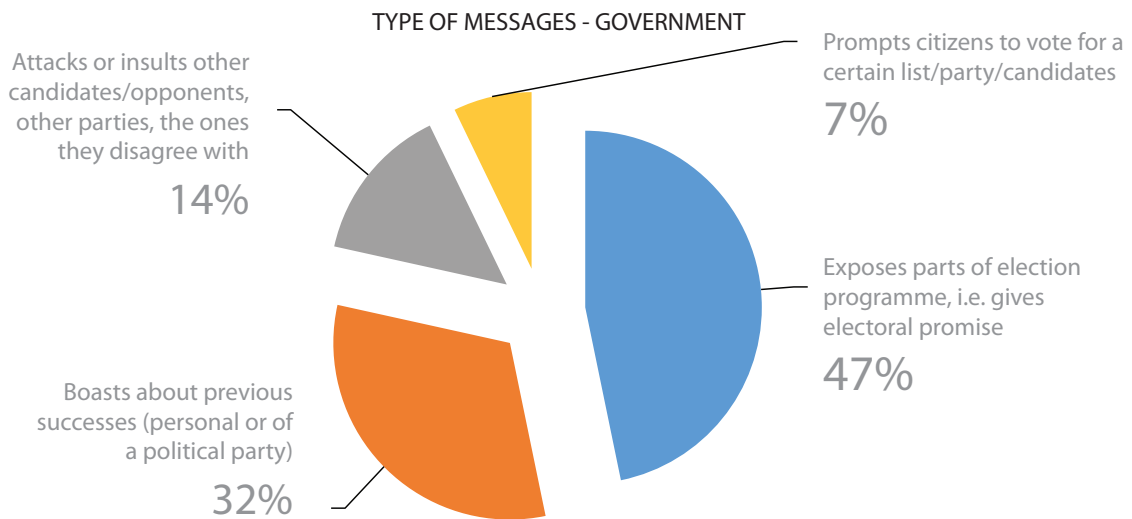


When it comes to the type of messages, electoral stakeholders used most media space (49 percent) to give election promises to citizens, but used almost a quarter of appearances for verbal assaults on political opponents.

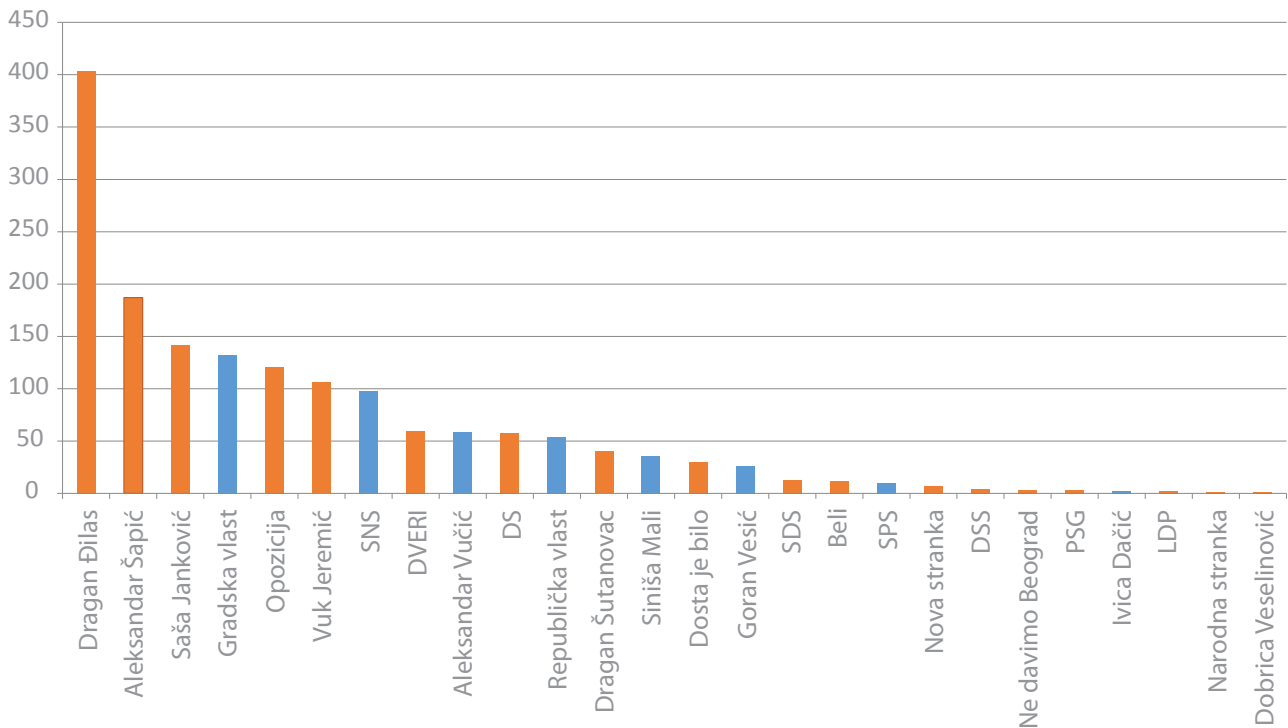


Regarding the attitude of the messages sent to the citizens by representatives of the government and the opposition, the government focused most on giving election promises

and promoting its successes, while the opposition mainly focused on election promises but also on attacks on political opponents.



STAKEHOLDERS TARGETS OF VERBAL ASSAULTS AND NEGATIVE CAMPAIGN

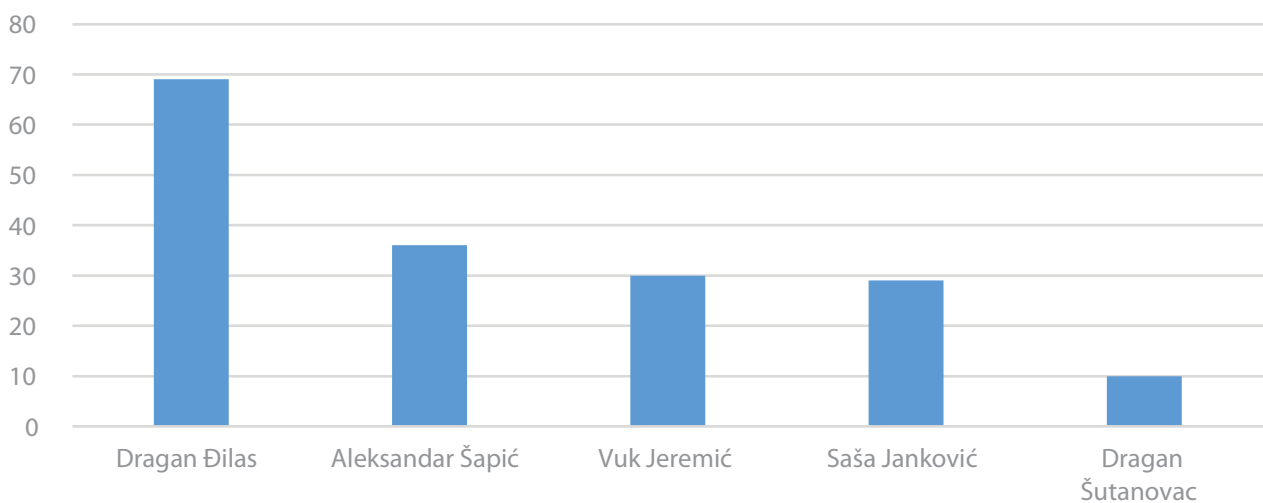


Out of all government representatives, political opponents were most frequently attacked by the Serbian Progressive Party. In the largest number of cases, the attacks were directed to Dragan Đilas, half the time to Aleksandar Šapić, and then to Vuk Jeremić, Saša Janković and Dragan Šutanovac.

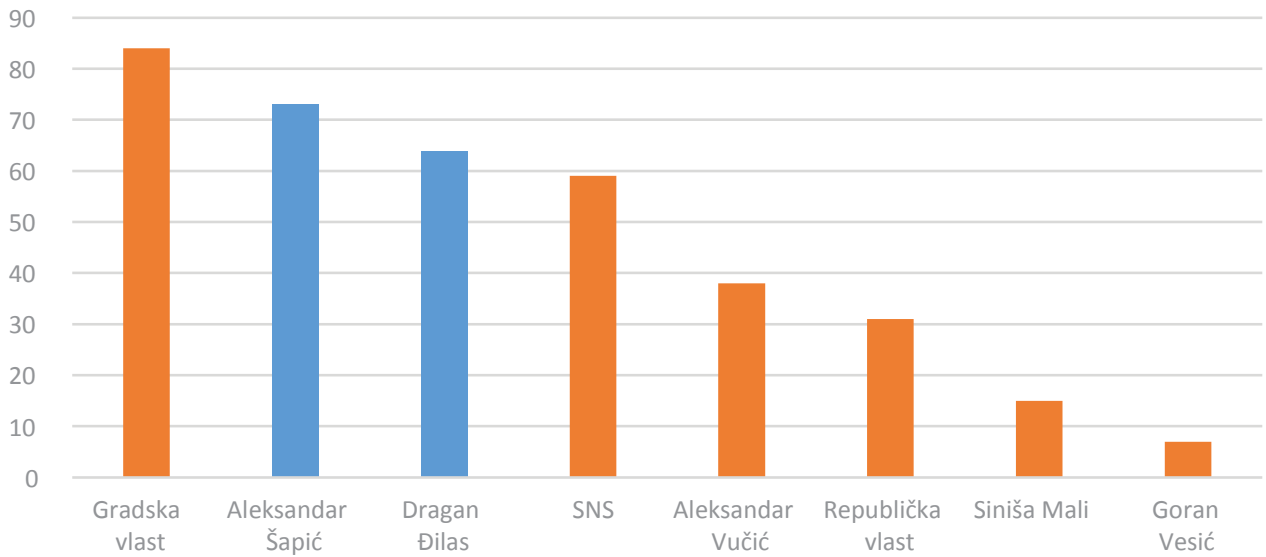
When they criticised and attacked their political opponents in the media, the opposition representatives criticised

above all the city administration, the Serbian Progressive Party, the President of the Republic and the president of the Serbian Progressive Party Aleksandar Vučić, and the state government. Interestingly, in their appearances, the opposition representatives verbally attacked Dragan Đilas and Aleksandar Šapić more than Aleksandar Vučić and Siniša Mali.

STAKEHOLDERS MOST OFTEN VERBALLY ASSAULTED BY GOVERNMENT REPRESENTATIVES



STAKEHOLDERS MOST OFTEN VERBALLY ASSAULTED BY OPPOSITION REPRESENTATIVES

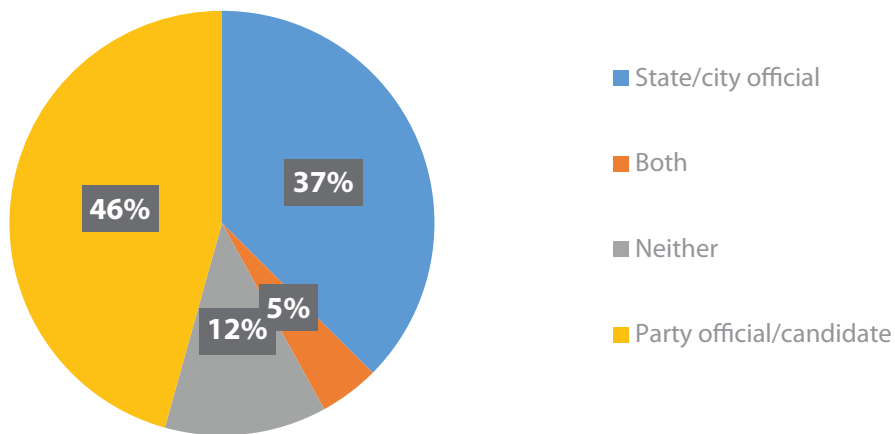


In 37 per cent of cases, public officials were introduced in the media with their public function, and in 46 per cent as political party representatives.

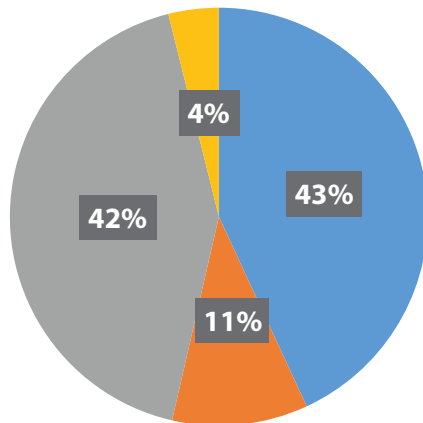
In situations where they were introduced as public officials, they mainly dealt with political party and electoral topics

and messages: in 43 percent of such cases, they gave election promises, in 42 percent they promoted their results, in 11 percent they attacked their political opponents, and in 4 percent they urged citizens to give them their support.

HOW WERE THE PUBLIC OFFICIALS ANNOUNCED IN THE MEDIA?

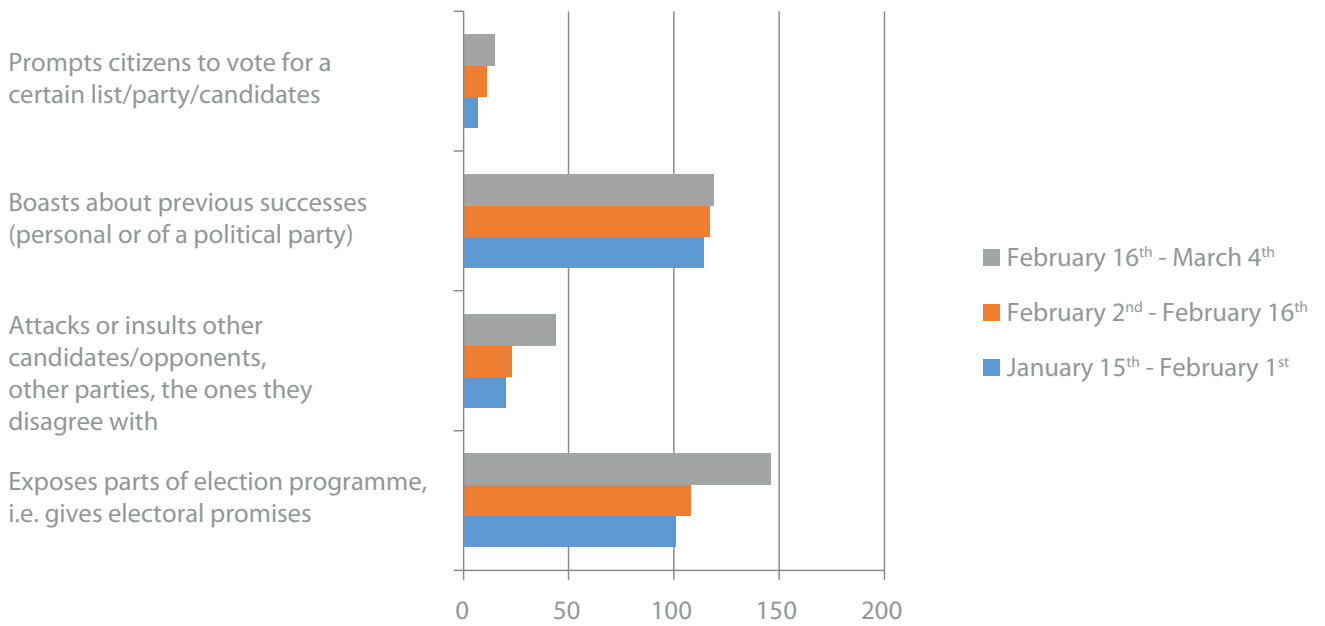


MESSAGES WHEN ANNOUNCED AS A PUBLIC OFFICIAL



- Exposes parts of election programme, i.e. gives electoral promises
- Attacks or insults other candidates/opponents, other parties, the ones they disagree with
- Boasts about previous successes (personal or of a political party)
- Prompts citizens to vote for a certain list /party/candidates

MESSAGES WHEN ANNOUNCED AS A PUBLIC OFFICIAL BY CAMPAIGN PERIODS

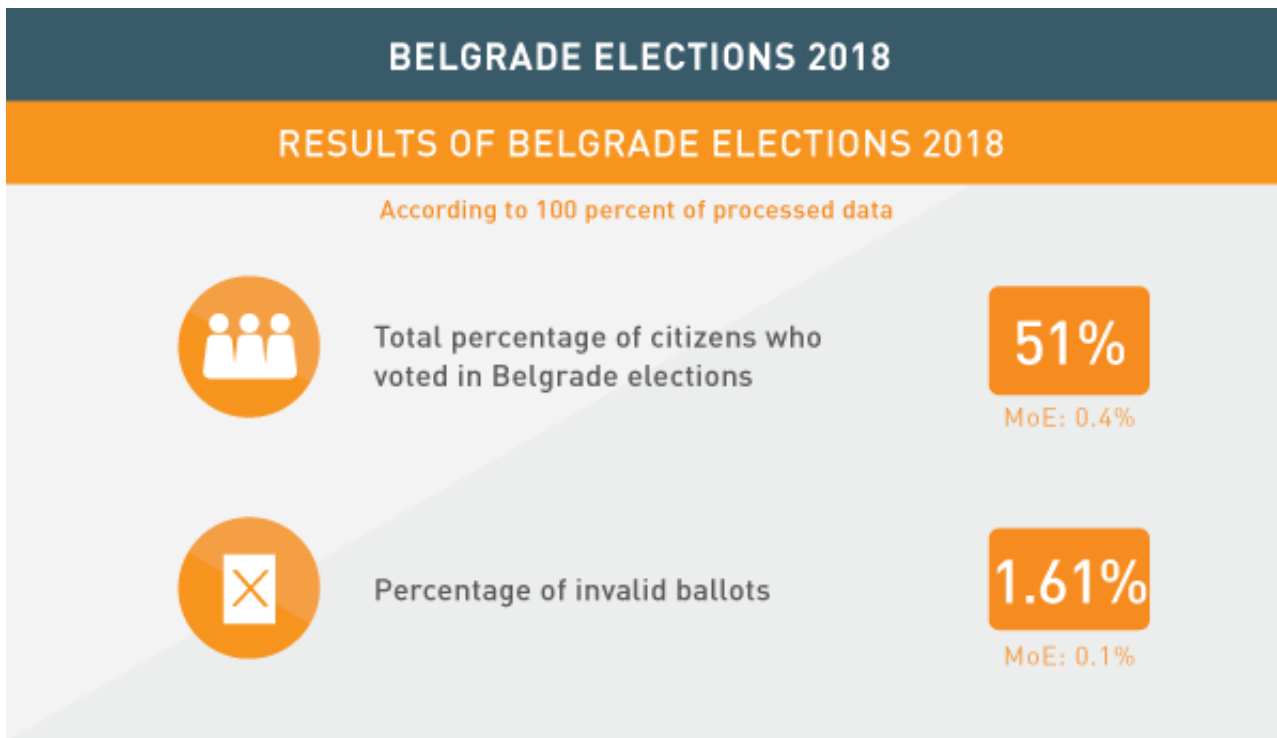


ELECTION DAY

TURNOUT AND RESULTS

In accordance with the CEC decision on determining and publishing the final number of voters in Belgrade, adopted on the CEC 28th session held on March 2nd 2018, the final number of voters in Belgrade on March 2nd 2018 was 1.606.931 and they were distributed to 1,185 polling stations.

Based on results gathered from 453 sample polling stations during the elections for the Councillors for the Belgrade City Assembly, held on March 4th 2018, 51% of voters registered in the voters' register voted, with the statistical error of +/- 0.4 %.



BELGRADE ELECTIONS 2018

RESULTS OF BELGRADE ELECTIONS 2018

According to 100 percent of processed data

1. ALEKSANDAR VUČIĆ – Zato što volimo Beograd!	44,96%	MoE: 0.95%
2. Dragan Đilas – Beograd odlučuje, ljudi pobeđuju!	19%	MoE: 0.57%
3. ALEKSANDAR ŠAPIĆ – GRADONAČELNIK	8.88%	MoE: 0.46%
4. IVICA DAČIĆ – SPS, DRAGAN MARKOVIĆ PALMA – JS	6.11%	MoE: 0.16%
5. DOSTA JE BILO I DVERI – DA OVI ODU, A DA SE ONI NE VRATE	3.92%	MoE: 0.1%
6. INICIJATIVA NE DAVIMO BEOGRAD	3.45%	MoE: 0.2%
7. Dr VOJISLAV ŠEŠELJ – SRPSKA RADIKALNA STRANKA	2.39%	MoE: 0.1%
8. Ljubiša Preletačević BELI – Zato što volimo BELOVGRAD	2.3%	MoE: 0.1%

BELGRADE ELECTIONS 2018

RESULTS OF BELGRADE ELECTIONS 2018

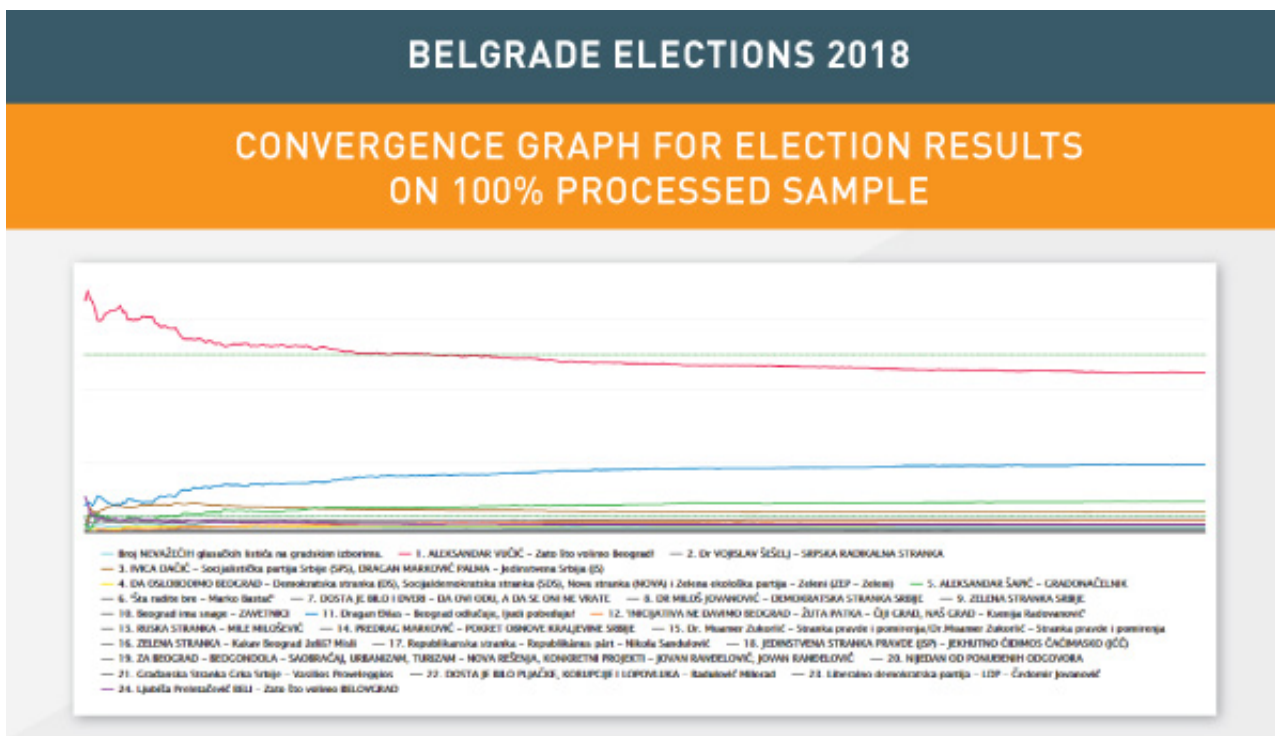
According to 100 percent of processed data

9. DA OSLOBODIMO BEOGRAD – DS, SDS, Nova stranka, ZEP – Zeleni	2.18%	MoE: 0.1%
10. DR MILOŠ JOVANOVIĆ – DEMOKRATSKA STRANKA SRBIJE	1.1%	MoE: 0.1%
11. Beograd ima snage – ZAVETNICI	0.64%	MoE: 0.1%
12. PREDRAG MARKOVIĆ – POKRET OBNOVE KRALJEVINE SRBIJE	0.52%	MoE: 0.1%
13. „Šta radite bre – Marko Bastać“	0.51%	MoE: 0.1%
14. ZELENA STRANKA SRBIJE	0.43%	MoE: 0.1%
15. RUSKA STRANKA – MILE MILOŠEVIĆ	0.38%	MoE: 0.14%
16. ZELENA STRANKA – Kakav Beograd želiš? Misli	0.33%	MoE: 0.1%



Based on the convergence curve which represents the changing of voting results in the real time while receiving data from random and representative sample stations, it

can be concluded that the projected results of the CRTA observation mission were stable and reliable.



Knowing that only four lists have reached the threshold, i.e. the total percentage of votes for the lists which did not reach the threshold is 19.5%, it can be concluded that

about 160.000 voters who casted their ballots in these elections have not got their own representative in the Belgrade City Assembly.

OPENING OF POLLING STATIONS

On the day of the elections for councillors of the Belgrade City Assembly, polling stations were opened mostly in accordance with prescribed procedures.

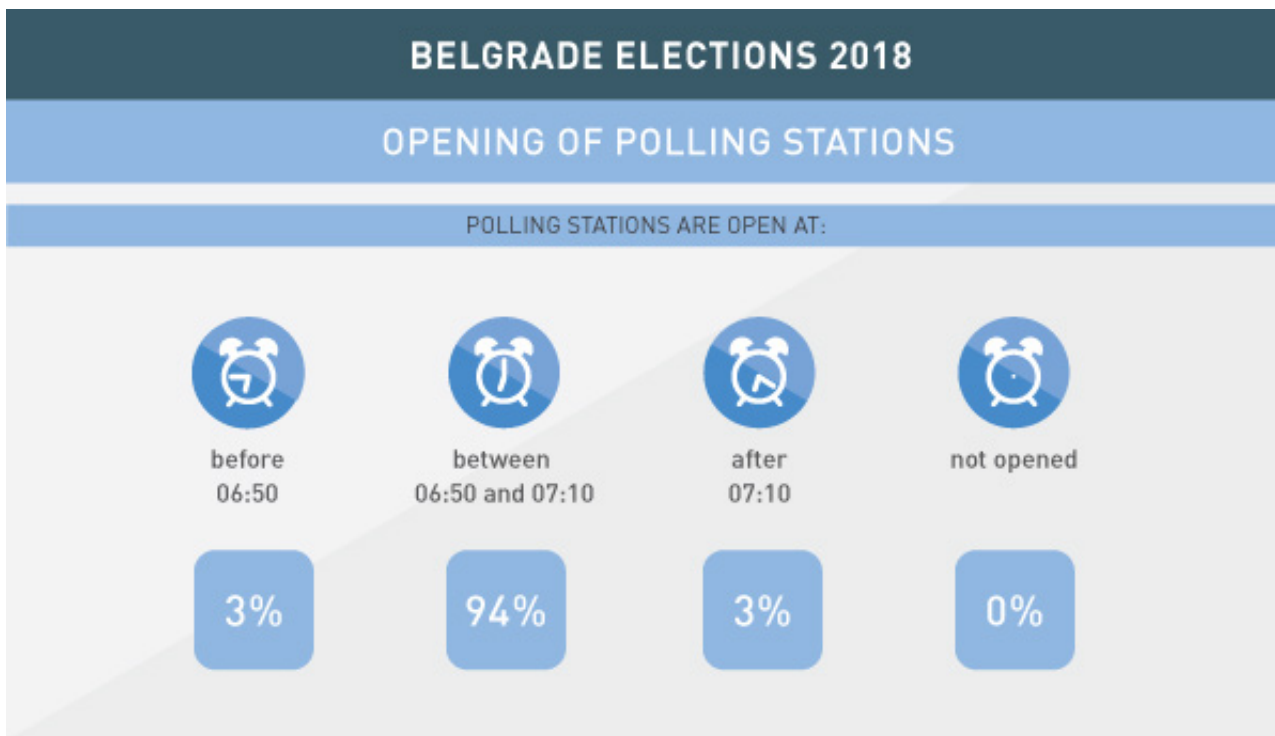
94 percent of the polling stations were opened on time, three percent of the polling stations were opened before the opening time and three percent of them were opened with a slight delay. There were no cases in which a polling station was not opened at all.

Polling stations opened with a delay shorter than one hour are PS 5 Obrenovac, PS 33 Savski Venac, PS 5 Rakovica, PS 42 Zvezdara, PS 7 Palilula, PS 32 Grocka, PS 58 Zemun, PS 45 Zvezdara, PS 13 Lazarevac, PS 4 Novi Beograd, PS 49 Vračar, PS 30 Zemun, PS 30 Zemun, PS 27 Čukarica, PS 61 Novi Beograd, PS 19 Novi Beograd and PS 22 Zemun. One of the reasons for the delayed opening of the polling stations is the fact that the polling station committees needed more time to determine the state and number of the electoral ma-

terial which had been taken over.

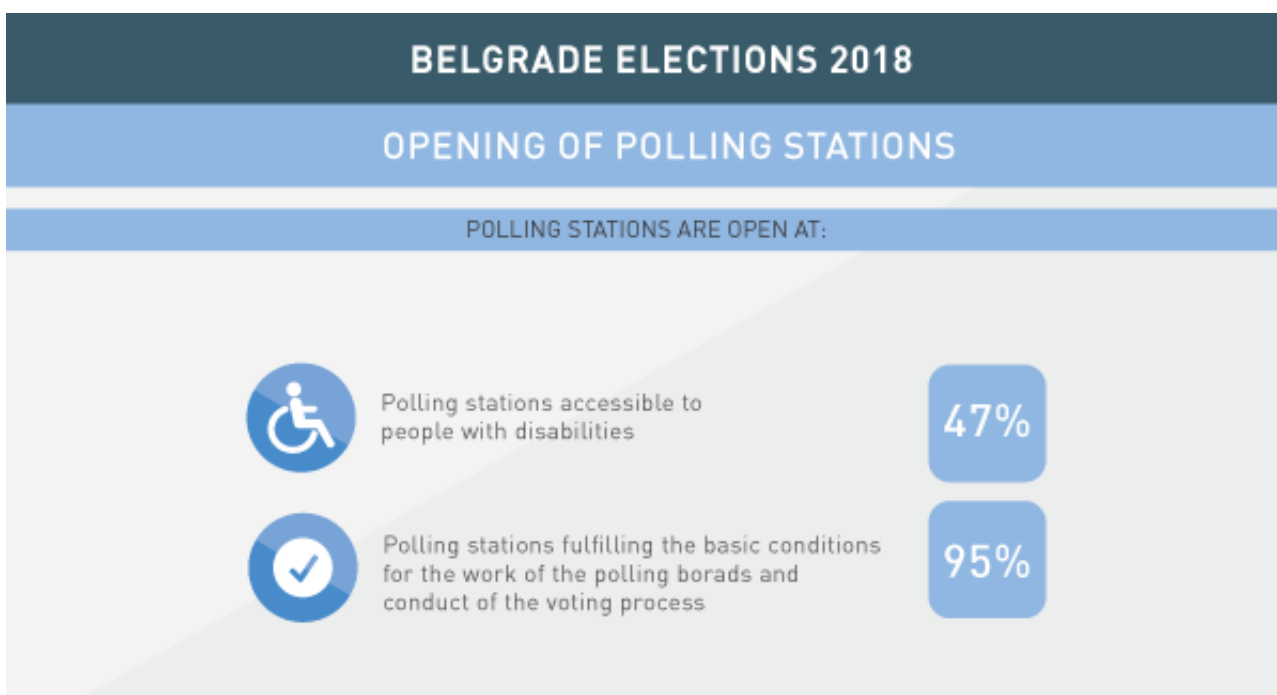
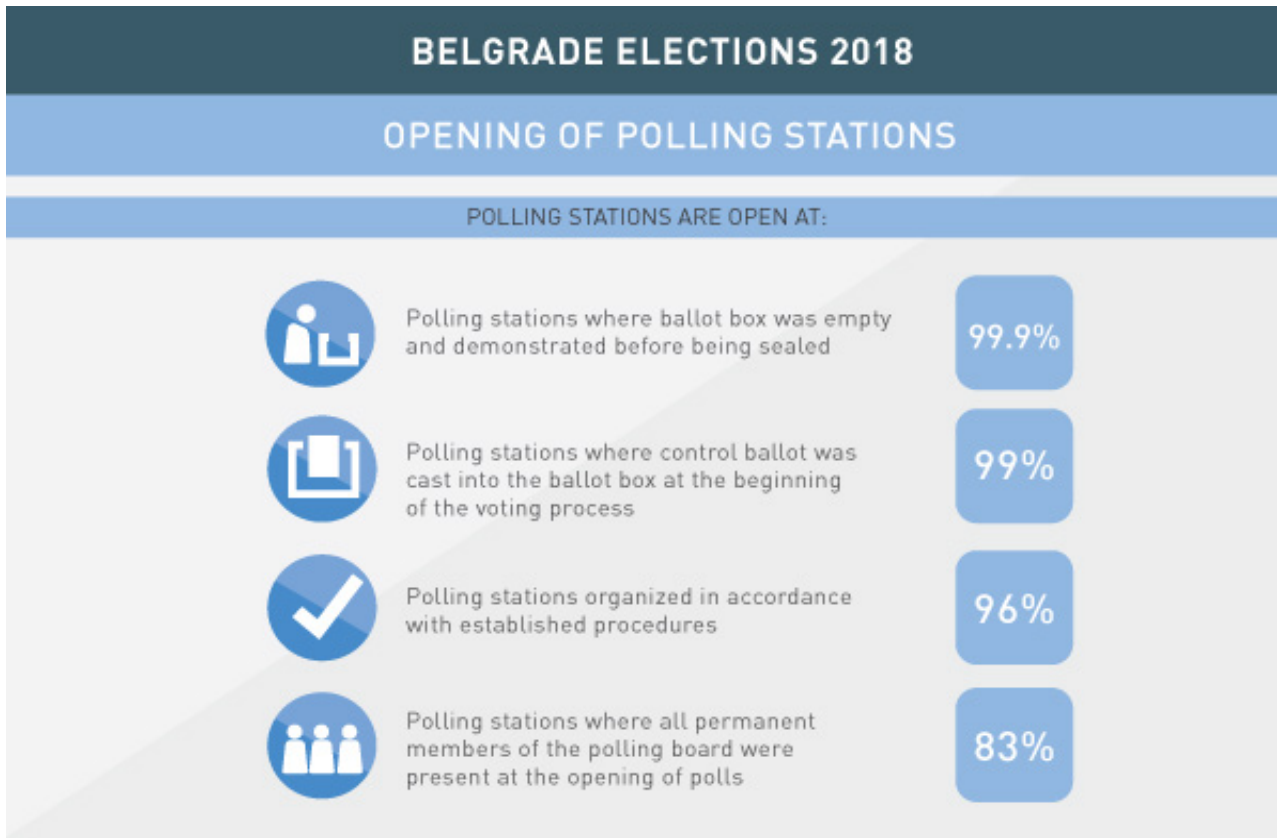
In 99% of the polling stations, bags with electoral material were secured with safety lock when received. According to the observers, there was one incident in PS 90 in Novi Beograd where the bag with ballots was opened. There was a discrepancy between the electoral material and the report on the reception of the electoral material on the following polling stations: PS 18 Vračar, PS 17 Savski Venac, PS 106 Palilula, PS 31 Vračar, PS 49 Rakovica, PS 9 Mladenovac, PS 43 Zemun and PS 6 Čukarica.

In less than one percent of polling stations, the control ballot was not put in the ballot box at the beginning of voting. In 96% of the polling stations in Belgrade everything was prepared in accordance with prescribed procedures and In 95% of the polling stations conditions for the work of the polling station committees were appropriate. In 89% of the polling stations all activities were recorded in the minutes on the work of the polling station committee, whereas the opening of 83% of the polling stations was attended by all permanent members of the polling station committee.



When the first voter came to vote, the procedure for the verification of the ballot box (the checklist procedure) was not followed in three polling stations. Polling stations where the procedure for the verification of the validity of the ballot box was not followed are 19 Čukarica, 68 Zvezdara and 75 Palilula.

In 53% of the polling stations throughout Belgrade, there was no access for persons with disabilities.



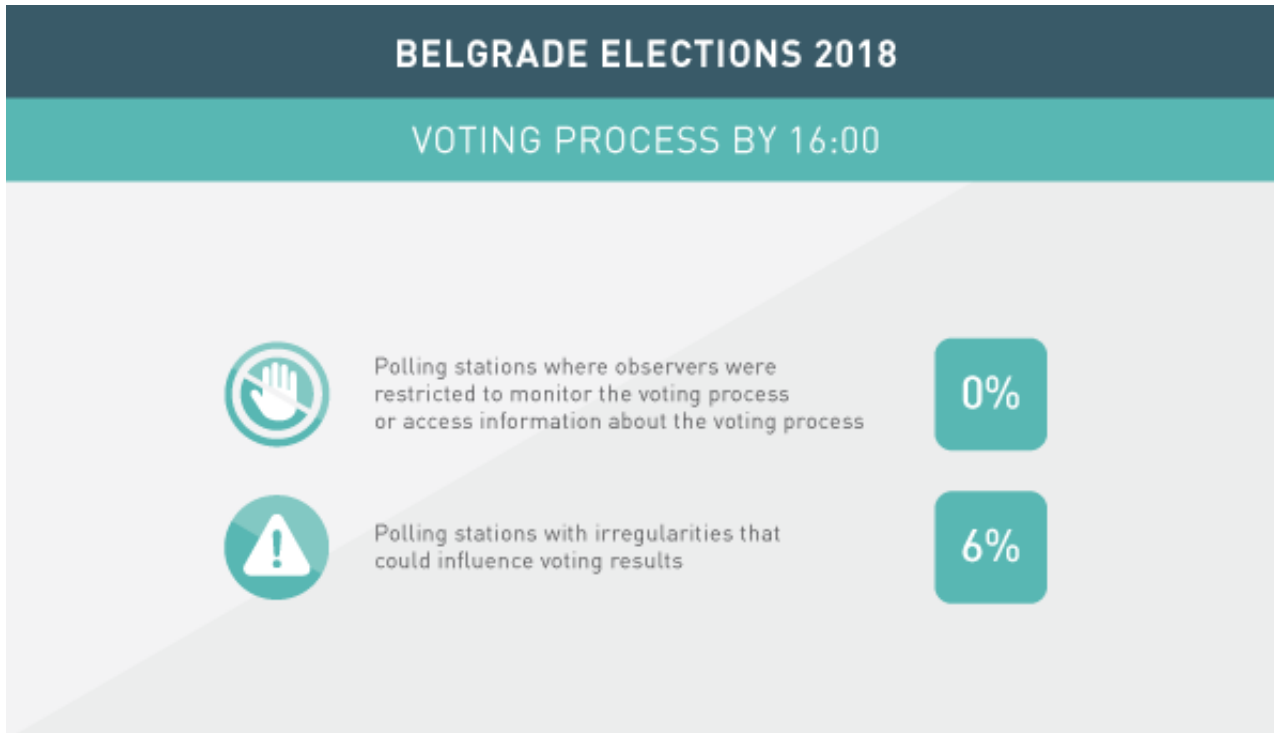
VOTING PROCESS

During the day of the election for the Councillors of the Assembly of the City of Belgrade, 51% of the citizens registered in the voters' register casted their ballots. The statistical error was +/- 0.4 %.

The problem with the voters' register recurred at the local elections in Belgrade – in 37% of the polling stations there were between one and five cases of voters who could not be found in the voters' register, whereas in one percent of the

polling stations there were more than six such cases.

By 16h, irregularities were recorded in six percent of polling stations. Those irregularities included keeping parallel records of voters outside the voters' register at the polling station itself, the use of mobile phones and taking photographs of the voters, failure to insert the control ballot in the electoral box at the beginning of the voting, failure to use the spray, failure to verify the identity papers of voters, voting without identity papers as well as the violation of the secrecy of voting.



From 16h until 19h there was an increase in the number of irregularities on the polling stations from six to eight percent. Bearing in mind the number of votes won by two electoral lists with the largest number of votes, these irregularities could not have fundamentally affected the results, whereas they affected more the parties which won a smaller number of votes.

There were also irregularities outside the polling stations – the violation of the law in one percent of the observed polling stations. Those irregularities refer to campaigns run within less than 50 m away from the polling station. Also, in seven percent of the polling stations there were irregularities in front of the polling stations such as keeping records of voters and bringing groups of voters to the polling station. Such occurrences have not been regulated by the law and can be interpreted in different ways – as the good organisation within the party itself, but they can also point to the pressure exerted on voters.

There was also a case of a parallel record of the turnout of the voters kept by the members of the polling station committees in the following polling stations: PS 125 Palilula, PS 28 Barajevo, PS 41 Rakovica, PS 60 Zvezdara, PS 47 Rakovica, PS 11 Grocka, PS 23 Palilula, PS 40 Novi Beograd, PS 122 Palilula, PS 34 Zvezdara, PS 66 Zvezdara, PS 25 Surčin, PS 57 Rakovica, PS 4 Mladenovac and PS 22 Vozdovac. Apart from keeping records of voters who casted ballots in polling stations, there were similar cases in front of the polling stations PS 1 Novi Beograd, PS 25 Surčin and PS 47 Rakovica.

Irregularities known as “The Bulgarian Train“ were seen on polling stations 1 Vozdovac, 74 Zemun, 93 Palilula and 12 Savski Venac.

Irregularities in terms of voters voting outside the polling station were noted in PS 42 Stari Grad, PS 69 Zemun and PS 48 Novi Beograd and they include open envelopes with voting confirmations and ballots.

BELGRADE ELECTIONS 2018

VOTING PROCESS BY 19:00



Polling stations where observers were restricted to monitor the voting process or access information about the voting process

0%



Polling stations with irregularities that could influence voting results

8%

The observation mission also recorded the case where ballots were photographed in 10 polling stations, either behind election booth curtains or publicly, in front of the members of the polling station committees.

During the Election Day, observers recorded individual cases of voting without verification and determining the identity of voters in the territories of the city municipalities of Voždovac, Zemun, Stari Grad, Grocka, Novi Beograd, Barajevo, Vračar and Palilula. They were isolated cases and not a frequent phenomenon in polling stations

In three cases, the safety of CRTA observers was endangered. There were cases of verbal as well as physical assaults on the observers on polling stations 1 in Novi Beograd, 60 on Zvezdara and 10 in Sopot.

The incident in front of the polling station in Novi Beograd occurred when an unknown man physically assaulted a member of the mobile team of the CRTA observation mission while observing what was going on in front of the polling station. The attack took place when the CRTA observers tried to document keeping records of the voters in front of the polling station and a possible vote buying. An unknown man and a woman, who had lists with them, first attacked verbally two members of the CRTA mobile team, then the man hit the CRTA observer in the head and finally he spilled Coca Cola on both of them. The CRTA observers were not severely injured and the case was reported to the police.

The second incident happened in the polling station in Zvezdara when a CRTA observer discovered that there was

a parallel list of voters in the polling station, which is contrary to the electoral procedure. When the observer tried to get additional information from the members of the polling station committee, they were visibly distressed and started shouting which was followed by a commotion. After that, the CRTA observer abandoned the polling station because he estimated that his safety was endangered.

In the polling station number 10 in Sopot, while talking with members of the polling station committee, the deputy president of the polling station committee said that “observers present in the polling station (The CRTA and “The Defence of Citizens’ Electoral Will”) would be slapped on the face if their observation causes the annulment of the voting in the polling station“. Then photos were taken of the 14 observers by the deputy president of the polling station committee. After this, he apologised to the observers who resumed observing the voting process on the polling station.

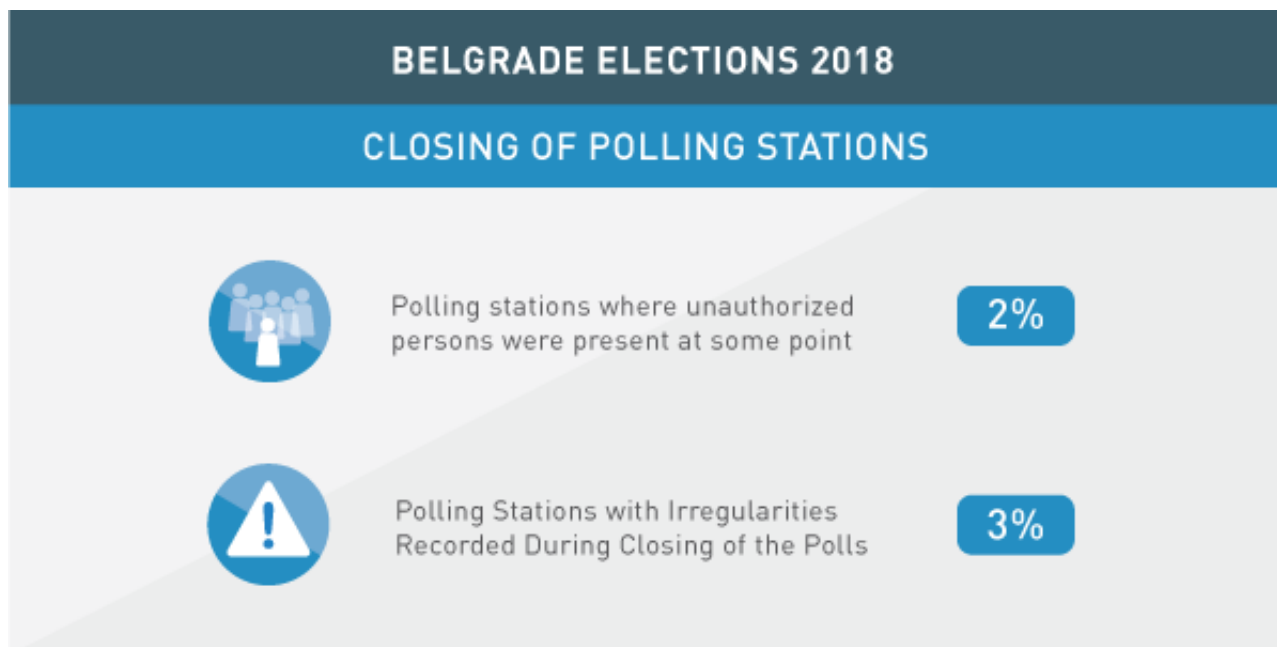
The CRTA observers recorded isolated irregularities (one to five cases per polling station). These cases comprised voting without identification cards or papers in six percent of polling stations, voting of persons who are not enrolled in the voters’ register in three percent of polling stations, voting instead of someone else in nine percent of polling stations and preventing voters having valid documents or enrolled in the voters’ register from voting in five percent of polling stations. Given the fact that these were isolated cases and that the occurrence was fairly r, we cannot talk about the systematic trend.

PROCESS OF CLOSING OF POLLING STATIONS AND COUNTING OF VOTES

On three polling stations, CRTA observers were not allowed to attend the procedure of counting votes after the closing of polling stations. Such cases were recorded on polling stations 1 Zemun, 20 Rakovica and 30 Grocka. This was the first time that CRTA observation mission faced cases where representatives of the polling station committees insisted that observers did not have the right to attend the procedure of counting the votes and determining the results of the elections. Following the CEC president's intervention, the observers were again allowed to attend the procedure. However, as the integrity of observation methodology was infringed, these polling stations were taken out of the sample and further treatment.

In two percent of the polling stations there were unauthorised persons and in three percent of the polling stations there were irregularities when the polling stations were being closed.

At the moment of closing of the polling stations, the CRTA observers recorded irregularities referring to discrepancies between calculation and logical operations (surplus of ballots in the ballot box) in polling stations PS 23 Savski Venac, PS 21 Stari Grad, PS 64 Novi Beograd and PS 37 Stari Grad. In the polling station 56 Novi Beograd, the observer recorded the case of irregular classification of valid and invalid ballots.



POST-ELECTION PERIOD
TURNOUT AND RESULTS - CRTA/CITY ELECTORAL COMMISSION (CEC)

BELGRADE ELECTIONS 2018

COMPARISON OF CRTA PVT AND CEC FINAL RESULTS

	CRTA	MoE:	Difference:	CEC
TURN OUT AT 20:00	51%	0.4%	-0.01%	51.01%
1. ALEKSANDAR VUČIĆ – Zato što volimo Beograd!	44.96%	0.95%	0%	44.96%
2. DR VOJISLAV ŠEŠELJ – SRPSKA RADIKALNA STRANKA	2.39%	0.1%	0.05%	2.34%
3. IVICA DAČIĆ – SOCIJALISTIČKA PARTIJA SRBIJE (SPS), DRAGAN MARKOVIĆ PALMA – JEDINSTVENA SRBIJA (JS)	6.11%	0.16%	-0.02%	6.13%
4. DA OSLOBODIMO BEOGRAD – DEMOKRATSKA STRANKA (DS), SOCIJALDEMOKRATSKA STRANKA (SDS), NOVA STRANKA (NOVA) I ZELENA EKOLOŠKA PARTIJA – ZELENI (ZEP – ZELENI)	2.18%	0.1%	-0.06%	2.24%
5. ALEKSANDAR ŠAPIĆ – GRADONAČELNIK	8.88%	0.46%	-0.13%	9.01%
6. „Šta radite bre – Marko Bastać”	0.51%	0.1%	0.04%	0.47%
7. DOSTA JE BILO I DVERI – DA OVI ODU, A DA SE ONI NE VRATE	3.92%	0.1%	0.03%	3.89%
8. DR MILOŠ JOVANOVIĆ – DEMOKRATSKA STRANKA SRBIJE	1.1%	0.1%	-0.02%	1.12%
9. ZELENA STRANKA SRBIJE	0.43%	0.1%	0.02%	0.41%
10. Beograd ima snage – ZAVETNICI	0.64%	0.1%	-0.01%	0.65%
11. Dragan Đilas – Beograd odlučuje, ljudi pobeđuju!	19%	0.57%	0.05%	18.95%
12. „INICIJATIVA NE DAVIMO BEOGRAD – ŽUTA PATKA – ČIJI GRAD, NAŠ GRAD – Ksenija Radovanović”	3.45%	0.2%	0.01%	3.44%
13. RUSKA STRANKA – MILE MILOŠEVIĆ	0.38%	0.14%	0.01%	0.37%

BELGRADE ELECTIONS 2018

COMPARISON OF CRTA PVT AND CEC FINAL RESULTS

	CRTA	MoE:	Difference:	CEC
14. PREDRAG MARKOVIĆ – POKRET OBNOVE KRALJEVINE SRBIJE	0.52%	0.1%	-0.01%	0.53%
15. Dr. Muamer Zukorlić – Stranka pravde i pomirenja	0.18%	0.1%	0.01%	0.17%
16. ZELENA STRANKA – Kakav Beograd želiš? Misli	0.33%	0.1%	0%	0.33%
17. Republikanska stranka – Republikánus párt – Nikola Sandulović	0.14%	0.1%	0%	0.14%
18. JEDINSTVENA STRANKA PRAVDE (JSP) – JEKHUTNO ČIDIMOS ČAĆIMASKO (JČĆ)	0.1%	0.1%	0.05%	0.05%
19. ZA BEOGRAD – BEOGONDOLA – SAOBRAĆAJ, URBANIZAM, TURIZAM – NOVA REŠENJA, KONKRETNI PROJEKTI – JOVAN RANĐELOVIĆ	0.1%	0.1%	0%	0.1%
20. NIJEDAN OD PONUĐENIH ODGOVORA	0.2%	0.1%	0.02%	0.18%
21. Građanska Stranka Grka Srbije – Vasilios Proveleggios	0.19%	0.1%	0.01%	0.18%
22. DOSTA JE BILO PLJAČKE, KORUPCIJE I LOPOVLUKA – Radulović Milorad	0.17%	0.1%	0.03%	0.14%
23. Liberalno demokratska partija – LDP – Čedomir Jovanović	0.24%	0.1%	0%	0.24%
24. Ljubiša Preletačević BELI – Zato što volimo BELOVGRAD	2.3%	0.1%	-0.03%	2.33%
INVALID BALLOTS	1.61%	0.1%		

ELECTION ADMINISTRATION

After the end of the Election Day on March 4th, during the session held on the following day, the City Electoral Commission (CEC) started establishing electoral results before the complaint-related debates began. Namely, in the session the CEC demanded the *Minutes of the Work of the City Electoral Commission on the Establishment of the Results for the Election of Belgrade City Assembly Councillors* to be voted and then it adopted it with the majority of votes. Thus, the CEC adopted the final results before they had become final and valid. The procedure of protection of the electoral right in cases of irregularities in polling stations on the Election Day did not stop the CEC from establishing the Minutes on the work, i.e. the final results of the election.

The CEC justified its action by Article 39 of the Law on Local Elections which envisages a 24-hour-deadline after the closing of polling stations for determining the number of votes for each electoral list. During the session, the extended CEC members disapproved of this decision, but the Minutes on the work was adopted in the end by majority of votes of the members of the Commission. The Minutes on the work was published the following day in the Official Gazette of the City of Belgrade.

What is worrying is the fact that, during the establishment and publishing of election results, the CEC acted in a way the Republic Electoral Commission (REC) had never acted before when establishing the results of the parliamentary elections in 2016 and presidential elections in 2017. Namely, after the parliamentary elections held on April 24th in 2016, the REC published the first preliminary results two days later, on April 26th. According to the procedure of the protection of electoral right, elections were to be repeated at several polling stations so the REC scheduled elections to be repeated on May 4th 2016. In the period between April 26th and May 4th, the REC neither published the total results nor the final results of the elections even though according to Article 78 of the Law on the Election of Members of the Parliament, a 96-hour-deadline is determined for establishing the number of votes for each electoral list after the closing of polling stations. Only after the end of the repeated election, the REC published and adopted results of the parliamentary elections on May 5th, as well as the *Report on the Total Results of the Election of Members of Parliament*. Thus, the Report was adopted 10 days after the end of the first Election Day and was only subsequently published in the Official Gazette.

In the case of the presidential election held on April 2nd 2017, re-elections were scheduled for even two new Election Days – on April 11th and 17th. The first preliminary results were only published on April 6th which was four days after the end of the Election Day, whereas the *Report on the Final Results of the President of the Republic* was adopted

on April 20th, following the re-election in several polling stations. Therefore, the final results were adopted and published in the Official gazette 19 days after the initial day of the election despite the 96-hour-deadline since the closure of the polling stations. This tells us that a 96-hour-deadline in the case of the republic elections and a 24-hour-deadline in the case of local elections are not preclusive deadlines, which means they are not exclusive deadlines and they are not subject to statute of limitations.

Adopting the Minutes of the Work of the CEC and its publishing in the Official Gazette means disregarding regulations of the Law on Local Elections referring to the protection of the electoral right. By ignoring submitted complaints and by establishing results of the elections before the electoral disputes were finalised, the CEC sent a message to voters that it is pointless to file complaints because such legal means will in no way influence already established and published results.

It is important to specify that by early adoption and publishing of the Minutes on the work, not only did the CEC endanger the legality of elections but it also compromised the legitimacy of elections. Namely, after the session during which the Minutes on the work was adopted, the CEC continued working only in its permanent composition for two weeks, which means without representatives of the submitters of electoral lists who were extended members. What is worrying is the fact that it was during these sessions that decisions were made about a great number of complaints sent to the CEC because of irregularities on the day of the election. Thus, the extended members of the CEC were unable to make decisions about irregularities recorded during the Election Day, as well as irregularities spotted while election results were being determined in polling stations. It was concluded that the CEC had regarded the participation of electoral list representatives only as the technical preparation of the election, rather than the relevant factors in the decision-making process regarding the legitimacy of elections.

The CEC justified such action by the fact that, according to article 13 of the Law on Local Elections, electoral commission works in the extended format until *the election is finished*. As the Law does not explicitly specify when exactly the election finishes, it is only natural to assume that it is the moment when the Minutes of Results of the Election is adopted by the electoral commission. However, as it has already been pointed out, the CEC had adopted the Minutes on the work before the complaint period expired, i.e. before the results became final and valid. However, since the complaint of the voter M. M. from Belgrade was adopted during the 31st session which was followed by the repetition of the election in four polling stations in the territory of the municipality of Stari grad, the CEC subsequently included into its work the extended members again. In that sense, after a two-week-break, the extended members par-

anticipated again in the work and decision-making process of the CEC. According to the Chairman of the Commission, such change in the attitude of the CEC is caused by the fact that elections need to be run in four polling stations and that, according to the law, extended members of the Commission participate in the implementation of elections.

Bearing in mind all aforementioned facts, the CEC **had to** wait for all legal proceedings to finish and for the voting to be repeated at the polling stations where it had been decided and only then adopt the Minutes on the work and publish results which were accurate and in accordance with the electoral legislation in the Official Gazette. Before the ending of the proceedings related to the protection of electoral rights, the CEC was only allowed to publish temporary and partial results which would not comprise questionable polling stations, as the REC had done in several previous electoral cycles.

By adopting and publishing the Minutes on the work before the legal proceedings had been finished, the CEC undoubtedly **publicly published inaccurate results of the election** which is in disagreement with article 38 of the Law on Local Elections. That is why we claim with strong arguments that, by such actions, the CEC tried to compromise the constitutional and legal right of the voters to legal proceedings.

ANNULLING RESULTS

As for the content of the Minutes on the work, it can be concluded that a certain number of polling stations was **annulled**. The annulling process means that it was impossible to determine the electoral will of citizens in certain polling stations due to a serious mathematical and logical error in the Minutes of work of certain polling station committees even if the materials had been opened. Therefore, the polling stations where results were annulled were treated as if there had been no election and as if nobody had voted. This can be concluded because it was CEC which informed the public in the last session before the Election Day that the final number of voters for the Belgrade election was 1,606,931. However, according to the final results, the Minutes on the work was adopted for only 1,594,141 registered voters (the difference is 12,790 voters). If we consider the fact that the CEC decided to repeat the election in four polling stations where 5,384 people had a right to vote, the determined number of voters who had a right to vote was still bigger than the number stated in the Minutes of Final Results.

Since the CEC did not inform the public why there was a mismatch of data, CRTA observation mission can conclude that 7,406 votes were annulled. That means that votes of those voters in the Belgrade election were not valid and that they were not comprised by the final electoral results, which directly derogated the electoral will of this number of voters.

During the elections in 2016 and 2017, the processes of annulling and verification were carried out publicly and transparently in the REC sessions. Since the most common causes of annulling are logical and calculation errors or inadequate training of the members of the polling station committees, during the election in 2017 the REC went one step further and introduced the mandatory check list. Members of the polling station committees used this check list before they started filling in the Minutes of Results from polling stations to register any logical and calculation discrepancies in the polling stations. After adequately filling in the check list, members of the polling station committees would start filling in and copying the data from the check list into the Minutes. The Belgrade election in 2018 followed this model of determining results and preventing any logical and calculation errors and thus confirmed the check list to be the first step in the process of determining results in polling stations.

On the other hand, unlike the REC, the CEC decided not to implement the processes of annulling and verification publicly. Namely, during the election in 2016, the REC made public decisions during the session about the total number of 148 polling stations where there had been some serious and grave errors which prevented the verification of the results from the polling stations. During the election in 2017, 70 polling stations had a serious and grave logical and calculation error. In order to avoid the situation where voters' votes would be left out or the electoral will of voters in so many polling stations would not be a part of the final electoral results, in 2016 the REC opened the material in the polling stations. Despite the fact that the Minutes from polling stations were reconstructed as well as the results according to the electoral material in election sacks, the REC had to annul results in 12 polling stations in 2016, whereas in 2017 the number of annulled results was 11. During the Belgrade elections in 2018, the public was not informed about the number of polling stations where there had been logical and calculation errors which could not be taken into consideration as a part of the result verification process.

The only piece of information available in the Minutes of the Final Results is that **the missing 7,406 voters had been registered in 7 polling stations not included in the final results.**

Bearing in mind the fact that the CEC is an institution which works and makes decisions publicly and in accordance with its Instructions, CRTA observation mission finds it is necessary to at least inform the public about the identified irregularities and logical and calculation errors in certain Minutes of polling station committees. Besides, the aforementioned annulling process has not been foreseen by any regulation referring to the election process. Despite that, the annulling has become a practice directly derogating the votes of voters.

In accordance with all aforementioned facts and in compliance with regulations and acts regulating the election process, the procedure and the character of decisions of electoral commissions which, in certain cases, refer to the correction of logical and calculation errors, the processes of annulling and verification of Minutes remain unclarified and lead to legal insecurity. Although the percentage of the polling stations where irregularities were recorded is small and it does not influence the final results of the Belgrade election, we should not forget the parliamentary election in 2016 when it depended on only a few votes whether one political party would participate in the distribution of mandate or it would remain without its members of parliament.

Accordingly, the electoral legislation should be altered in order to regulate such cases and situations where the voting results cannot be determined in polling stations due to the irregularities in Minutes of the polling station committees, which would alleviate the work and decision-making process of members of electoral commissions, reduce tensions and regain trust of the public in the electoral system. Besides, it is necessary to improve the process of the protection of the electoral right in order to enable voters to influence the identified irregularities from Minutes which contain logical and calculation errors in a way which would prevent their electoral will to be derogated and their votes annulled.

COMPLAINTS AFTER THE ELECTION DAY

During the period after the Election Day, about 205 complaints were filed whereas during the pre-election period, 16 complaints were filed and they mostly referred to the announced electoral lists. Of all 205 complaints, 18 were rejected, 186 were rejected as unfounded and one complaint was adopted and the Solution for the Repetition of the Election was issued for four polling stations in the municipality of Stari grad.

The most common irregularities complaints referred to were:

- 32,9% keeping parallel electoral lists either by members of polling station committees or persons in front of the polling stations;
- 12,22% voters registered in certain addresses, but there is a doubt that they live there;
- 13,16% surplus of ballot papers in comparison with the number of voters;
- 9,4% violation of the secrecy of voting;

- 4,7% organised (collective) voting;
- 3,76% irregular Minutes;
- 3,76% irregular examination (voting without UV lamp check or without the check of the address of the residence, voting instead of someone else);
- 3,76% political propaganda carried out right next to the polling stations.

DECISIONS MADE BY THE ADMINISTRATIVE COURT AFTER THE ELECTION DAY


The Administrative Court made decisions in 94 cases: 5 complaints were rejected as untimely or filed by an unauthorised person (irregular); 88 complaints were rejected as unfounded and one complaint was adopted as it referred to the violation of the rules of procedure while the Solution was being issued by the City Electoral Commission and it was filed by a CRTA representative.


RECOMMENDATIONS


The conduct of the voting for the councillors of the Belgrade City Assembly held on March 4th 2018 pointed yet again to the need to improve the flaws of the current electoral system. The CRTA election observation mission also suggests concrete recommendations for the establishment of a better, fair and free election process in Serbia.

The recommendations are presented with the use of the “traffic” approach, aiming to emphasize the complexity of their implementation by considering criteria of the scope

of intervention and potential financial costs. “The scope of intervention” criteria is related to the scope and complexity of necessary changes in the legal framework and practice (ranging from the change of practice or bylaw, to the amendments to the Constitution and related legal acts). “The potential financial costs” criteria could range from none or small, medium, to high. The combination of both criteria is used in the presentation of each recommendation and they are being labelled with the one of the following colors or patterns:

 With the empty circle are marked those recommendations that are considered to be easy to implement. Their implementation consists from smaller interventions, such is the change in practice or changes to the specific bylaw, that do not require any financial costs or require smaller expenditures.

 With the half-filled circle are marked those recommendations whose implementation is at the medium level of complexity. Their implementation consists from interventions such is amending the specific law or require medium financial expenditures.

 With the filled circle are marked those recommendations whose implementation is at the high level of complexity. Their implementation requires interventions such is amending the Constitution and one or more related legal acts or require high financial expenditures.

CRTA election observation mission believes that this approach could contribute to better planning and priority setting of those institutions that are responsible for improving the electoral legislation and the quality of the election process.

ELECTORAL LEGISLATION AND ELECTION ADMINISTRATION

Above all, it is a general recommendation that electoral legislation should be codified into a unique electoral law which would encompass regulations that comprise the entire positive electoral legislation on one side, and regulations from other laws which refer directly to the election process on the other. The said recommendation is crucial in the context of conducting the elections in cities and municipalities when the election administration often faces challenges in interpretation of various “parallel” laws and regulations. Bearing in mind restricted capacities of competent services and the fact that city and municipal committees members are not necessarily jurists unifying the electoral matter into a unique law would be vital for realisation of the legal security in the area of electoral rights and for the return of citizens’ trust in the election process. The work of the Electoral Commission provoked different evaluations of the stakeholder, but also of the general public especially in the area of its composition, decision-making and independence of the work. As well as in the 2016 and 2017 election processes, the CRTA observation mission concluded that important steps should be taken in order to professionalise the CEC work particularly when it comes to defining qualifications that its members should have (legal education, qualifications referring to professionalism, ethics and experience in working with state institutions and election processes).

The current obligation for polling station committees’ members’ training is defined by the Instructions for the Conduct of the Voting at the Elections. The CRTA considers that this obligation must be prescribed by the law because the existing system of trainings and its results do not provide sufficient results in practice. Namely, the existing trainings are conducted in very short time periods (few days before the elections) and by a very restricted number of persons. In spite of the efforts that the REC undertook in the 2017 election process aiming for a better organisation of trainings, there is a need to regulate this obligation with more precision and details and to apply the best international practices.

The conduct of the voting for the Belgrade City Assembly has demonstrated new problems that electoral commissions faced – requests for nominations of persons who according to the law, by their function cannot be appointed members to the polling station committee. Namely, there were more than 100 proposals for nomination of members to the polling station committees that do not fulfil legal conditions for appointment.

Systematic trainings and testing of the polling committees’ members that would be prescribed by the Law on the Election of Members of the Parliament has been recognised

as a crucial recommendation that may add to the performance of permanent and extended composition of polling boards in the upcoming election cycles. According to new rules, a member of a permanent composition can only be a person who has received training and passed the test.

#1. – SYSTEMATISING ELECTORAL LEGISLATION THROUGH ONE UNIQUE ELECTORAL LAW

Recommendation status: repeated

Competent authorities: The Ministry of Justice and the National Assembly of the Republic of Serbia

● The implementation of this recommendation requires changes to the entire electoral legislation (all laws that directly and indirectly regulate election conduct – the Law on the Election of Members of Parliament, the Law on Local Elections, the Law on the Unique Voters’ register, the Law on the Anti-Corruption Agency, the Law on Financing Political Activities, etc).

The electoral law should include provisions on the conduct of the voting at all levels and regulate the work of all bodies in order to contribute to legal security and minimise wrongful or contradictory interpretations of legal provisions by different institutions. There are currently seven laws applied to the election process.

#2 – REORGANISATION OF THE SYSTEM OF ELECTION ADMINISTRATION

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government, REC and National Assembly of the Republic of Serbia

● The implementation of this recommendation requires amendments to the Law on the Election of Members of Parliament and to the Law on Local Elections.

The Law on the Election of Members of the Parliament and the Law on Local Elections should be modified so that they prescribe a hierarchical structure of electoral bodies. According to the new structure, the REC would be an institution immediately in charge of municipal and city electoral commissions and actually conduct the elections at the local level. Therefore, it is necessary to abolish the REC working groups as local electoral commissions would take over their role. The implementation of this recommendation would bring the conduct of the elections one step closer to reforms (to a unified electoral law).

#3 – REFORMING THE CEC WITHIN THE FRAME OF A LARGER ELECTORAL LEGISLATION REFORM

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government and National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on the Election of Members of Parliament.

As the selection, composition and generally the position of local electoral commissions are an inseparable part of a wider electoral legislation reform, the CRTA thinks that it is necessary to undertake a systemic and a systematic modification of the manner in which the CEC members are elected, in order to fully ensure independence and impartiality of the decision-making on one hand, and on the other, an adequate professionalism of the CEC work.

#4 – SEPARATE THE PROCESS OF SUBMISSION OF ELECTORAL LISTS AND THE OFFICIAL BEGINNING OF THE ELECTION CAMPAIGN

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government and National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on the Election of Members of Parliament and to the Law on Local Elections Modifications and supplements of the Law on Local Elections and of the Law on the Election of Members of the Parliament should help separate the process of electoral lists submission and collection of signatures from the campaign itself so that the campaign can officially start only when the Electoral Commission adopts the collective electoral list. Submitting electoral lists would be a specific process which takes place independently from the electoral campaign (duration from 30 to 60 days) and lasts for a definite period of time. The equal representation of all campaign participants can be enhanced in this way. During the period of submitting electoral lists, all campaign-related activities would be forbidden.

#5 – MEMBERS OF LOCAL ELECTORAL COMMISSIONS CAN ONLY BE JURISTS

Recommendation status: new

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on Local Elections

It convenes to supplement article 14 of the Law on Local Elections in order to foresee a conditions that all nominated members and deputy members of the CEC, secretary and deputy secretary should have a Law School diploma.

#6 – INTRODUCE THE OBLIGATION THAT THE HOLDER OF THE ELECTORAL LIST BE A CANDIDATE AT THE LOCAL ELECTIONS

Recommendation status: new

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on Local Elections

In order to realise the principle of accountability of political representatives towards voters, it is necessary to modify provisions of article 22, paragraph 4 the Law on Local Elections and introduce the obligation that the holder of the list for local elections be also a candidate in those elections.

#7 – UNIFYING DEADLINES FOR THE ANNOUNCEMENT OF THE FINAL ELECTION RESULTS

Recommendation status: new

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government and National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on Local Elections

It convenes to unify the existing legal solutions prescribed by the Law on the Election of Members of the Parliament (5 days after the completion of voting) and by the Law on Local Elections (24 hours after the closing of polling stations). In order to respect the protection of electoral rights of all voters, it is necessary to introduce a solution contain-

ing the following “within 96 hours from the completion of electoral activities“. Such solution would imply that electoral commissions have a five-day deadline to determine the final election results from the moment of their conducting and repeating in certain polling stations. In this way, there would not be situations similar to those occurring at the elections for the Councillors of the Belgrade City Assembly in March 2018 when the CEC announced the final results before considering the received objections.

#8- LEGALLY REGULATE EXAMINATION OF THE BAGS WITH ELECTORAL MATERIAL

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government, Administrative Court and National Assembly of the Republic of Serbia

● The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and to the Law on Local Elections

The Law on the Election of Members of the Parliament and the Law on Local Elections should be modified and supplemented with a regulation prescribing that the electoral commission (the REC and a municipal electoral commission/city electoral commission) is authorised to examine the bags with electoral material when severe logic and calculation errors were previously determined in the Minutes on the Work on the polling station committee.

#9 – PRESCRIBING BY THE LAW COMPULSORY TRAININGS AND EXAMS FOR THE MEMBERS OF POLLING STATION COMMITTEES

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government and National Assembly of the Republic of Serbia

● The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and to the Law on Local Elections

Modify and supplement article 34 of the Law on the Election of Members of the Parliament as well as article 15 of the Law on Local Elections prescribing the authority of the REC, the municipal and the city commissions, adding new authority to organise in the pre-election period a compulsory training for all members of polling committees about rules and procedures for the work of polling station com-

mittees. It is particularly important to establish an exam system for candidates for permanent composition of polling committees, as this should result in a larger capacities of polling committees to conduct the elections.

#10 – ADOPTING THE RULEBOOK FOR EDUCATORS OF POLLING STATION COMMITTEES MEMBERS’ TRAININGS

Recommendation status: repeated

Competent authorities: REC, MEC/CEC

○ The implementation of this recommendation requires adoption of the rulebook in the form of the bylaw

It is necessary that all electoral commissions adopt, as a by-law, the Rulebook on procedures and criteria for selection and engagement of consultants, trainers and educators for polling committees’ members’ training. The adoption of the Rulebook is needed in order to enable delivery of trainings by independent experts in the field of electoral legislature.

#11- REORGANISING THE COMPOSITION OF THE POLLING STATION COMMITTEES – PARTIES THAT HAVE MEMBERS IN THE STANDING COMPOSITION CANNOT HAVE REPRESENTATIVES IN THE EXTENDED ONE

Recommendation status: new

Competent authorities: MDULS, Ministry of Justice, National Assembly of the Republic of Serbia

● The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and to the Law on Local Elections

Bearing in mind that the current composition of polling station committees cannot respond to the request to conduct the Election Day in accordance with established rules and procedures, it is necessary to reorganise their composition. The suggested modifications of the electoral legislation would **prevent political entities that have a representative in the standing composition of the polling station committee from having/realising that right in the extended composition of the committee**. Moreover, due to a large number of members, the current composition of the polling station committees cannot respond to the need to improve their work through timely and quality education of committee members. On the other hand, the reduction of the members of the polling committee, without denying electoral lists the right to have their representatives on the Election Day, shall provide significant monetary savings in the election process.

#12 – TIMELY ANNOUNCING OF THE SCANNED MINUTES ON THE WORK OF THE POLLING STATION COMMITTEES ON THE ELECTORAL COMMISSIONS’ WEBSITES

Recommendation status: repeated

Competent authorities: REC/CEC

○ The implementation of this recommendation requires updating the Instructions for the Conduct of the Voting at the Election

The following regulation should be added to the section of the Instructions for the Conduct of the Voting at the Elections “Statistical processing and announcement of the election results”: “After the announcement of preliminary results of the election and after the reception of the Minutes on the Work of the polling station committees from all polling stations, the Minutes are published on the website of the Republic Electoral Commission.”

The published Minutes should have metadata or their browsing should be otherwise enabled at the level of the polling station.

The identical provision should be implemented for other municipal/city commission that would formulate a by-law in order to regulate the issue of publishing of the scanned Minutes on the Work of the Polling Station Committees.

#13 – TIMELY ANNOUNCING OF ALL DOCUMENTS FROM PLENARY SESSIONS AND SESSIONS OF WORKING GROUPS ON THE REC WEBSITE

Recommendation status: repeated

Competent authorities: REC/CEC

○ The implementation of this recommendation requires changes in the work of electoral commissions

Changing the REC practice so that all materials and documents from the REC plenary sessions and the meetings of the REC working groups would be published in the format which is appropriate for further use (e.g. CSV, DOC, XLS) on the REC website.

#14 – TIMELY PUBLISHING OF STENOGRAPHIC NOTES AND RESULTS OF VOTING AT THE ELECTORAL COMMISSIONS’ SESSIONS

Recommendation status: repeated

Competent authorities: REC/CEC

○ The implementation of this recommendation requires changes in the work of electoral commissions and the rulebooks on their work

It convenes to supplement the Rulebooks on the work of Electoral commissions by adding a provision that foresees the publishing of stenographic notes from every session on the official web presentation of electoral commissions, as well as the results of the voting in the format which is appropriate for further use (e.g. CSV, DOC, XLS).

#15 – ENABLING VERIFICATION OF THE USE OF PERSONAL DATA UPON REQUEST OF VOTERS

Recommendation status: repeated

Competent authorities: REC/CEC

○ The implementation of this recommendation requires changes in the work of electoral commissions and purchase of the corresponding software

The REC practice should be changed so that voters are enabled, upon request, to gain an insight into the voters’ register excerpt and/or other documents which contain citizens’ personal data, in order to dispel doubts whether persons who were not enrolled in the voters’ register, who were enrolled but who are deceased, or who did not live for years in the territory of the Republic of Serbia.

#16 – ENABLING SUBMISSION OF OBJECTIONS ELECTRONICALLY

Recommendation status: adopted

Competent authorities: CEC/REC

○ The implementation of this recommendation required changes in the work of electoral commissions

Thanks to the application of provisions of the new Law on General Administrative Procedure, the CEC allowed submission of objections electronically.

VOTERS'

Although the existing regulations provide a sufficient legal framework for the accuracy and update of the voters' register, it has been proven that it is necessary to make an additional effort so that the voters' register would be reliable in practice and so that all citizens enlisted in the voters' register could fulfil their electoral right. Another problem that has been recognised is inefficient removal of deceased persons from the voters' register. In that sense, it is necessary to establish a better coordination between registrars' offices, offices responsible for recording the place of residence and offices responsible for managing the voters' register, and apply punitive measures accordingly for those who do not adhere to the regulations prescribed by the Law on Registration Books, the Law on the citizens' domicile and residence and the Law on a Unique Voters' Register.

In order to regain the citizens' confidence in the voters' register and the election process, it is necessary to have an open dialogue between all institutions with the aim of updating and improving the quality of data in the voters' register and allow the interested public to participate in it.

#17 – UPDATING THE VOTERS' REGISTER

Recommendation status: repeated

Competent authorities: Ministry of Interior, Ministry of Public Administration and the Local Self-Government, REC/CEC and civil society organisations

○ The implementation of this recommendation requires establishment of the expert working group that would develop recommendations for the quality update of the voters' register

An expert working group should be established which would consist of all relevant participants with the aim of improving the mechanism for regular and comprehensive updating and revision of the voters' register. The aforementioned working group would aim to determine the best solutions that would enable a quality updating of the voters' register and a stable and regular communication between all relevant state institutions and services.

#18 – ORGANISING OF A CONTINUOUS TRAINING FOR OFFICERS WHO UPDATE THE VOTERS' REGISTER

Recommendation status: repeated

Competent authorities: Ministry of Public Administration and the Local Self-Government, Office for Human Resource Management and civil society organisations

○ The implementation of this recommendation requires organization and implementation of trainings

All employees of the Ministry of the Public Administration and the Local Self-Government and units of the local self-government which update the unique voters' register should be trained so that potential problems during the updating or revision of the voters' register would be avoided.

#19 – IMPROVING THE OVERSIGHT OF THE WORK OF PERSONS MANAGING THE VOTERS' REGISTER

Recommendation status: repeated

Competent authorities: Ministry of Public Administration and the Local Self-Government and Administrative Inspectorate

○ The implementation of this recommendation requires changes in the work of the Administrative Inspectorate

The work of the Administrative Inspectorate should be improved so that there is a regular and additional administrative oversight of the work of employees who participate in the process of updating the voters' register.

#20 – IMPROVING THE COORDINATION BETWEEN REGISTRARS' OFFICES AND OFFICES IN CHARGE OF THE VOTERS' REGISTER

Recommendation status: repeated

Competent authorities: Ministry of Public Administration and the Local Self-Government and Administrative Inspectorate

○ The implementation of this recommendation requires changes in the work of the authorities in charge

A better coordination between registrars' offices and offices in charge of the voters' register is needed, as well as a consistent application of punitive regulations towards a responsible person within the institution in charge of updating the voters' register in case it is not accurate, up-to-date and in accordance with the Law on the Unique Voters' register.

#21 – SIMPLIFYING PROCEDURES FOR CITIZENS TO UPDATE THE INFORMATION IN THE VOTERS' REGISTER

Recommendation status: repeated

Competent authorities: Ministry of Public Administration and the Local Self-Government, Local Self-Government Units

○ The implementation of this recommendation requires publishing forms for registration on local self-governments' websites

In that sense, both the Ministry of the Public Administration and Local Self-Government and local self-government units should publish the form for registration in the voters' register on their websites and should inform citizens about the opportunity to electronically submit the form with the copy of the valid identification document.

CONDUCT OF CAMPAIGN STAKEHOLDERS

In the area of public resources use in the electoral campaign, it is indispensable that the legislative authorities of the Republic of Serbia harmonise with international standards and examples of good practice. Besides, it is necessary that the Republic of Serbia finally fulfils its international legal obligations foreseen primarily within the frame of negotiations with the European Union – chapter 23 and the Group of States against Corruption of the Council of Europe (GRECO). In actual fact, during the negotiations with the EU, Serbia was engaged to modify and supplement the Anti-Corruption Agency Act and the Law on Financing of Political Activities. The deadlines for the aforesaid modifications and supplements expired in the third and fourth quarter of 2016. Besides, reports issued by the OSCE-ODIHR international observation mission have indicated for several years the need to undertake urgent measures in order to prevent the abuse of public resources and ensure higher transparency of the election campaign financing.⁶¹

In order to forbid the abuse of public resources in the electoral campaign, it is necessary to define more clearly anti-corruption regulations so that further misuse of taxpayers' money is prevented during the upcoming electoral cycles. In relation to that, and to ensure equality of all participants in the elections, it is crucial to exclude the possibility of public officials' campaigning which is more and more present in the election processes.

Besides, it is imperative to stop the longstanding practice of extraordinary allocation of budgetary and other public assets from various state and public funds that is usually manifested by initiating of new types of programmes or by allocating nonreturnable funds during the election campaign. In previous election cycles there we recorded cases of bids and allocation of funds according to the principle of opportunity by the Ministry of Justice. By this year's bid, the Ministry of Justice allocated a total of 445 million dinars (3.75 million euros) 10 days before the elections. During the campaigning for the Belgrade elections, the City Centre for Social Work received only four days before the elections a total of 208 million dinars (1.76 million euros) from the Ministry of Labour. The said sum was firstly intended for the equal distribution as an aid to socially vulnerable citizens, however, on the basis of a non-transparent procedure, the amount of 15,000 dinars was allocated on the same day to 13,900 citizens. Having in mind the said practice and activities, it is vital to prohibit extraordinary payments and allocations from the budgetary and public funds and allow only ordinary monthly allowances planned in advance during the campaigning as

61 Reports of the OSCE-ODIHR observation mission are available on the following links <https://goo.gl/gWSEbG> The 2016 Report, page 23 <https://goo.gl/jFVrCU> The 2017 Report pages 10 and 11.

well as 30 days before and after this period.

Finally, it is imperative to establish an efficient mechanism for monitoring and timely reaction in cases of public resources misuse in the campaign, so that all participants in the election process could have equal treatment.

In order to prevent oversight authorities to make decisions at their own discretion from case to case, in accordance with Venice Commission recommendations and examples from comparative legislations, it is necessary to explicitly forbid by relevant regulations that during the electoral campaigning public officials initiate projects financed by state or local budget resources (commencement of works on the construction of children's playground, and so on). This issue has already been raised in recommendations. It should also be forbidden that public officials attend public meetings organised by authorities during the electoral campaign, including charity activities financed from the budget, unless they unequivocally present to the general public that it is an activity undertaken by a political party, i.e. by a candidate who participates in the campaigning.

#22 – CLEARLY DETERMINING THE NOTION OF PUBLIC RESOURCES AND ADEQUATE SANCTION IN THE ANTI-CORRUPTION AGENCY ACT

Recommendation status: repeated

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia and Anti-Corruption Agency

○ The implementation of this recommendation requires amendments to the Anti-Corruption Agency Act

It is necessary to define more precisely the notion of public resources within the Anti-Corruption Agency Act. Such defined notion would also be in accordance with the best comparative practices in the context of preventing of the misuse of public resources and public functions. In this way, it would be possible to strictly implement article 29 of the Law, and, at the same time, there would be an adequate legal basis for imposing sanctions. In addition to the existing pecuniary fines, heavier fines should be considered the same as the increase in disciplinary action, which would also be possible if the Anti-Corruption Agency Act were amended.

#23 – DEFINING WHICH ACTIVITIES CAN BE INTEGRATED INTO THE ELECTION CAMPAIGN COST

Recommendation status: repeated

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia and Anti-Corruption Agency

○ The implementation of this recommendation requires amendments to the Anti-Corruption Agency Act

Supplement article 23 of the Law on Financing of Political Activities with concrete cases that prescribe types of activities that can be introduced under electoral campaign costs. Having in mind that the Law prescribes types of costs relating to regular activities of a political entity, it is also necessary to standardise the types of electoral campaign costs.

#24 – INTRODUCING SANCTIONS FOR MISUSE OF PROPERTY, NAMES AND ACTIVITIES OF PUBLIC COMPANIES IN POLITICAL PURPOSES

Recommendation status: repeated

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia and Anti-Corruption Agency

○ The implementation of this recommendation requires amendments to the Law on Public Companies

Foresee, through an amendment to the Law on Public Companies, sanctions for political entities and accountable persons in public companies in case of violation of article 70 of the Law on Public Companies that prescribes the prohibition of the use of property, activity, name and visual identity of a public company in all activities related to political parties and electoral campaigns, as well as all other use of public companies in political purposes.

#25 – FORBID THE PARTICIPATION OF ALL PUBLIC OFFICIALS IN CAMPAIGNING

Recommendation status: repeated

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia and Anti-Corruption Agency

○ The implementation of this recommendation requires amendments to the Anti-Corruption Agency Act

Amend the Anti-Corruption Agency Act so that all public officials and employees are forbidden to participate in public gatherings whose primary objective is to announce the commencement of works or the release of use of facilities built from budgetary resources or public funds, or by other legal entities that dispose with the public capital. In case of violation of this legal provision, it is necessary to prescribe adequate fines for public officials and employees.

#26 – AGENCY SHOULD EXERCISE ITS AUTHORITY EX OFFICIO IN ORDER TO PROTECT THE PUBLIC INTEREST

Recommendation status: repeated

Competent authorities: Anti-Corruption Agency

○ The implementation of this recommendation requires changes in the work of the Anti-Corruption Agency

It is necessary to modify the Anti-Corruption Agency practices in order to harmonise its actions with legal authorisations and the best international practices. Bearing in mind that, pursuant to relevant regulations, the Agency has a possibility to initiate proceedings in case of violation of the Law even ex officio, it is indispensable that it applies its authorities in practice. Namely, during the electoral cycle, the Agency appoints observers who are focused on electoral campaign monitoring and it is therefore essential that in case of violation of the Law, the Agency initiates proceedings and imposes measures immediately and not after the completion of the election process. Moreover, it convenes to periodically publish findings and reports for the observed period of the electoral campaign.

#27 PROHIBITING EXTRAORDINARY ALLOCATION OF BUDGETARY AND OTHER PUBLIC FUNDS DURING THE ELECTION CAMPAIGN, AS WELL AS 30 DAYS BEFORE AND AFTER THE CAMPAIGN

Recommendation status: new

Competent authorities: Anti-Corruption Agency, National Assembly of the Republic Of Serbia

○ The implementation of this recommendation requires amendments to the Anti-Corruption Agency Act

It is necessary to supplement the Anti-Corruption Agency Act in order to prohibit extraordinary allocations of budget and other public funds during the electoral campaign as well as 30 days before and after the campaign. More precisely, this prohibition would refer to extraordinary payment of salaries, pensions, social giving, annual and one-time transfers, allocation and payments from public funds, nonreturnable aid... Furthermore, it is indispensable to forbid the legal entities whose founder, a partial or majority owner is the state or a local self-government unit financed entirely or mainly from budgetary funds to write off different debts to citizens (for example: bills for consumed electricity, water, garbage collection or other types of public utility services).

#28 PROHIBITING THE USE OF FUNDS FOR ORDINARY WORK OF POLITICAL ENTITIES FOR THE ELECTION CAMPAIGN PURPOSES

Recommendation status: new

Competent authorities: Anti-Corruption Agency, National Assembly of the Republic Of Serbia

○ The implementation of this recommendation requires amendments to the Anti-Corruption Agency Act

The last amendments to the Law on Financing of Political Activities enabled political entities to use the funds received for ordinary work for the election campaign purposes. In this way, the taxpayers' money has been used for different purposes than originally intended. Besides, the current situation has caused inequality in political entities and created differences and a large gap between political parties that have had a longstanding length of service in the Assembly and newly formed groups of citizens and other political entities that do not have their representatives in the Assembly.

#29 COMPULSORY SUBMITTING OF PROVISIONAL REPORTS ON ELECTION CAMPAIGN COSTS DURING CAMPAIGNING

Recommendation status: new

Competent authorities: Anti-Corruption Agency, National Assembly of the Republic Of Serbia

○ The implementation of this recommendation requires amendments to the Law on Financing Political Activities

The amendments to the Law on Financing of Political Activities should introduce the obligation that political entities submit provisional financial statements during the election campaign period. As pursuant to current regulations, political entities have the obligation to submit financial statements only 30 days after the end of the elections, the citizens are prevented from getting acquainted with political entities' expenses during the campaign. They can only obtain the information *post festum*, after the completion of the election process. As the transparency of financing of the election campaign is vital for citizens' decision for whom to vote and for their trust in the election process, it is necessary that political entities submit their provisional financial statements to the Anti-Corruption Agency that shall publish them on its website.

POSITION OF OBSERVERS

During the two previous election processes (2016 and 2017) the CRTA observation mission indicated the need to regulate the status and position of observers in the electoral legislation. In addition to the CRTA and OSCE-ODIHR observation missions' recommendations, other domestic observation missions urged that this issue be solved immediately. Unfortunately, the election process for the 2018 Belgrade elections demonstrated that due to non-fulfilment of this obligation, the status of observers was not in line with international standards and often depended on the electoral commissions' arbitrary judgment. As a matter of fact, in the Belgrade elections case, domestic observers were prevented from monitoring the electoral bodies' work in the first 30 days of the election process. Even though they had met all conditions that the CEC originally set, they remained deprived of the possibility to monitor the electoral bodies' work. Having acted in this way, the CEC cast a shadow of its work and affects the transparency and openness of the entire election process. All things considered, the CRTA observation mission wishes to present a set of concrete recommendations foreseeing supplementing of the Law on the Election of Members of the Parliament by adding a special chapter that would regulate all issues crucial to monitoring of the elections in accordance with the best international standards.

#30 REGULATE THE POSITION AND THE AUTHORITY OF THE OBSERVERS BY THE LAW, IN ACCORDANCE WITH THE INTERNATIONAL STANDARDS, AND INTRODUCE A SPECIAL CHAPTER OF THE LAW DEDICATED TO THIS LEGAL MATTER

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government and National Assembly of the Republic of Serbia

The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and to the Law on Local Elections

It is necessary to supplement the Law on the Election of Members of the Parliament by adding a special chapter that would, together with the amendments to the Law on Local Elections, be applied to the local elections as well, and would regulate the status and position of observers in accordance with the best international standards (for example: paragraph 8 of the OSCE Copenhagen Document adopted in 1990 and paragraph II 3.2 of the Code of Good Practice). The amendments to the law would contain an itemised list of electoral bodies' actions and activities that observers can monitor – i.e. their authorities. Besides, a

separate chapter would explicitly prescribe the number of observers who can monitor the work of the electoral bodies. In accordance with the best international practices, the work of polling station committees and of electoral commissions should not be monitored by more than two observers simultaneously.

Furthermore, a special chapter of the law would demarcate the notions of long-term and short-term observers. The notion of a short-term observer would imply a person who monitors uniquely the work of the polling station committee on the Election Day. On the other hand, the notion of a long-term observer would imply a person who monitors the entire election campaign and the work of the electoral commissions.

#31 AUTHORISE OBSERVERS TO ENTER OBJECTIONS IN THE MINUTES ON THE WORK OF THE POLLING STATION COMMITTEE

Recommendation status: repeated

Competent authorities: Ministry of Justice and National Assembly of the Republic of Serbia

The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament

A special authorisation that observers would have in the election process is the right to enter their remarks and observations in the Minutes on the Work of the Polling Station Committee under the same conditions set for the polling station committees' members. Specifically, as the observers are participants to the election process on the Election Day who monitor the complete work of the polling station committees from the moment of gathering of members early in the morning until the establishing of the results from the polling station and their publishing in the Minutes on the Work, it is necessary to allow them to enter potential remarks and observations in the very Minutes. Pursuant to current practices of the electoral commissions and the Administrative Court, the Minutes have almost a unique and main probative value in the process for the protection of the electoral right and it is therefore vital to grant the aforesaid right to the observers, as they guarantee the legitimacy of the election process on the Election Day thanks to their independence and impartiality.

#32 DEFINE METHOD AND DEADLINE FOR ACCREDITATION

Recommendation status: repeated

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia and electoral committees

○ The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and the instructions for the conduct of the voting at the election

In the course of its work so far, the CRTA observation mission has faced a variety of actions in determining the fulfilment of the conditions for monitoring the elections and the process of accreditation itself. According to the best international practice, the decision on the allocation of accreditations and on the fulfilment of the conditions for observation of the elections should be made at the first following session or 5 days upon submission of the necessary registration documents at the latest. The full implementation of this recommendation requires changes to the Law on the Election of Members of the Parliament in the following way:

The REC establishes that the applicant has fulfilled all conditions imposed for the election observation (domestic and/or international observers) at the first session following the submission of the necessary documents.

The day following the establishing of fulfilment of all conditions, the competent service of the REC delivers to the applicant adequate accreditations for observing the work of the electoral bodies.

#33 DEFINE CONDITIONS WHICH ORGANIZATIONS AND ASSOCIATIONS NEED TO FULFIL IN ORDER TO ACT AS ELECTION OBSERVERS

Recommendation status: repeated

Competent authorities: Ministry of Justice and National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament

According to the positive by-laws of the electoral commissions, only associations of citizens the objectives of which are realised in the area of elections can be accredited to observe the work of the electoral bodies. Bearing in mind the complexity of the election process and the fact that by their nature the elections comprise several different processes permeating various fields of action in the society, it is necessary to put an end to a current approach which discriminates certain circles of associations of citizens. As far as actual persons who can be accredited to observe the elections, the CRTA observation mission suggests that all citizens of age and work ability having the citizenship of

any of the United Nations countries can be accredited as international observers.

#34 DEFINE THE TIME PERIOD FOR WHICH THE ACCREDITATION IS BEING ISSUED TO ELECTION OBSERVERS

Recommendation status: repeated

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia and electoral committees

○ The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and the instructions for the conduct of the voting at the election

In order to avert uncertainty regarding the time period in which the observers can monitor the work of the electoral bodies, it convenes to formulate a special article which would prescribe the validity period of the issued accreditations. Having in mind the best international practices, it is necessary to allow monitoring of the election bodies until the completion of all procedures of the protection of the electoral right (until the expiration of deadlines for finality and irrevocability of the procedures for the protection of the electoral right) as well as monitoring of the session at which the Report on the Conduct of the Voting is adopted by the electoral commissions. Given that the election commissions work uniquely in their standing composition as soon as the final results are announced, independent monitoring of their work is justified and indispensable.

MEDIA

The Regulatory Authority of Electronic Media (REM) issued after the calling of the elections a statement in order to remind the media services providers that they were held to ensure equal and non-discriminatory reporting and media coverage of all electoral list submitters and candidates during the election campaign. However, on the REM’s website it was not published whether it determined ex officio or following citizens’ objections if the media service providers consistently respected this rule that they were reminded of in the statement.

Apart from assessing three times harmonisation of the advertisements with the Law on Advertising, the REM has not published other data about its activities during the campaign. Additionally, the REM has not published a single objection made by citizens indicating a violation of media service providers’ obligations although this obligation is prescribed by the REM Rulebook on means of imposing measures to providers of media services.

Pursuant to the Law on Electronic Media, the REM has a clear obligation to control the work of media services providers in view of their fulfilment of obligations prescribed by this Law and by-laws, which implies the obligation to ensure equal reporting and media coverage of candidates during the election campaign. Nonetheless, in line with the practice commenced in the 2017 presidential elections campaign, there are no data about whether the REM performed monitoring of the electronic media programme on its own initiative nor whether it adopted the election monitoring methodology.

Provisions of the Law on Electronic Media are insufficiently precise and that they have left room for the REM Council to decide not to publish the report on the oversight of broadcasters during the election campaign for the 2016 parliamentary elections. Furthermore, the oversight of the work of broadcasters during the 2017 presidential elections was not at all performed. Bearing in mind the aforesaid and given that the REM continued its trend not to publish any data on the official website even during the campaign for councillors of the Belgrade City Assembly, the CRTA observation mission finds that the Law on Electronic Media should be amended and specified in order to prevent the REM from acting in this manner.

Knowing that on the REM website there are no data about the objections filed by the citizens to this regulatory body during the 2018 pre-election period, the CRTA observation mission wishes to remind that during the 2017 presidential elections, when assessing the objections filed by the citizens, the REM Council, as a rule, decided that there were no grounds for initiating the procedure, although in some cases such decisions were contrary to the findings of

the REM oversight and analysis service. This way of decision-making additionally raises the public’s suspicion in objective, professional and accountable acting by the REM Council members.

Having in mind the aforesaid manner of working and decision-making in the REM, that did not contribute to an efficient discharge of legally prescribed duty, the CRTA observation mission “Citizens on Watch” suggests the following:

#35 – OBLIGING THE REM TO INFORM THE PUBLIC ON THE WORK OF BROADCASTERS DURING AND AFTER THE ELECTION CAMPAIGN

Recommendation status: repeated

Competent authorities: REM, Ministry of Culture and Information, National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires changes in the work of REM

Introduce an obligation to the REM to periodically, ideally once a fortnight, issue written reports about monitoring and analysis of the work of electronic media in the pre-election period. Those reports must contain findings of the Professional Service of the REM regarding the equal representation of candidates, i.e. electoral lists to media, media reporting about the candidates’ activities, records of public appearances of stakeholders in their capacity of public officials and candidates, as well as other important aspects of media that may have an impact on an objective and comprehensive informing of citizens about the candidates and the election programmes.

Furthermore, the REM must be obliged to publish the final report on the work of electronic media during the electoral campaign one month after the final results announcement at the latest.

#36 – INTRODUCING AN OBLIGATION TO FORMULATE A REASONING IN THE DECISION ON OBJECTIONS INDICATING A VIOLATION OF A GENERAL INTEREST

Recommendation status: repeated

Competent authorities: REM

○ The implementation of this recommendation requires changes in the work of REM and in the Rulebook on means of imposing measures to providers of media services

Introduce an obligation to the REM to prepare a report

with reasoning upon receipt of each objection indicating a violation of a general interest so that it unveils the reasoning of its attitude – the modification of a Rulebook on means of imposing measures to providers of media services of the REM.

#37 – INTRODUCING AN OBLIGATION TO INCLUDE THE REPORT OF THE PROFESSIONAL SERVICE FOR OVERSIGHT AND ANALYSIS WITH REASONING

Recommendation status: repeated

Competent authorities: REM

○ The implementation of this recommendation requires changes in the work of REM

Introduce an obligation to the REM to state in the reasoning, notification or decision the report of the Professional Service for oversight and analysis that directly observes broadcasted programmes.

#38 – INTRODUCING CLEAR INDICATORS FOR THE EVALUATION OF THE WORK OF THE REM COUNCIL

Recommendation status: repeated

Competent authorities: National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on Electronic Media

Supplement the Law on Electronic Media by introducing the obligation to report about fulfilment of indicators of successful work of the REM Council on a yearly basis. Such legal solution aiming to supplement a compulsory yearly report of the REM can provide reasoned grounds to the National Parliament to evaluate and assess the work of the members of the REM Council. In terms of confidence of the general public, this solution can contribute to increased confidence in this institution.

PROTECTION OF THE ELECTORAL RIGHT

Despite the fact that the election process have been under increased public scrutiny, there is a growing citizens' distrust in the elections, which is reflected in an increased number of objections filed to the REC on the Election Day (there were 65 objections in 2016, 49 in 2017, and more than 200 in 2018 in the elections for councillors of the Belgrade City Assembly).

The CRTA election observation mission "Citizens on Watch" has recognised short deadlines for submitting complaints as one of the main causes for voters to refrain from the protection of their electoral right. Also, so far it has not been possible to submit complaints electronically within the process of the protection of electoral rights which makes this procedure complicated for voters. Nevertheless, the 2018 election process was the first one undertaken since the new Law on Administrative Procedure came to force in its entirety. The new Law on Administrative Procedure recognises a special means of communication, i.e. electronic communication which enables the citizens to communicate with all state bodies electronically, i.e. in the same way they used to in writing. Consequently, all voters who had a qualified electronic signature were able to file objections to the CEC and complaints to the Administrative Court. Knowing that deadlines foreseen for protection of the electoral rights are very short (only 24 hours), this means of communication resulted in four times more objections filed in comparison to the 2017 election process.

Regarding the standpoint of the CEC evaluation of the evidence during proceedings upon objections, it convenes to explore the possibilities of gathering other evidence so that the Minutes on the Work of the Polling Station Committees and potential comments made thereto by the members of the polling stations would not be the only valid proof of irregularities. In relation to that, it is necessary to enable the party that filed the objection to attend the CEC session during which its objection is on the agenda. Furthermore, it is imperative to consider whether the existing legal framework regulating the repeated voting are necessary and sufficient for a legal conduct of the voting and to provide enough room for the electoral commissions to act ex officio in relation to irregularities found outside objections filed by authorised persons.

The best international practice principles explicitly allow the electoral commissions to act ex officio in the election process. According to the international practice, this type of actions is allowed in case that the elections are annulled (II.3.3.d.e.i Venice Commission Code of good practice in the electoral matter for 2002). In case of the national electoral legislation, such electoral commissions' acting was in a legal gap until 2007 until the Supreme Court pronounced that it was forbidden that the REC acts ex officio. Such Courts'

attitude caused the electoral commission to exclude from total/final results certain number of polling stations when counting the votes i.e. to annul the results from these polling stations. Since 2007, the annulment has been a practice accepted although it actually derogates the votes. Besides, the annulment process has become ill-defined in the positive electoral legislation and provoked a legal uncertainty and tensions in the work of the electoral commissions.

#39 – EXTENDING THE DEADLINE FOR DECISION-MAKING AND SUBMITTING COMPLAINTS

Recommendation status: repeated

Competent authorities: Ministry of Justice and National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament

Amending article 95, paragraph 3 of the Law on the Election of Members of the Parliament into: "Complaint from paragraphs 1 and 2 of this article is filed within 48 hours from the moment when the decision has been made, when the reported irregularity has occurred or when the mistake has been made."

Besides, it is necessary to synchronise deadlines for decisions to be made by competent bodies in accordance with principles of the best international practice (from 2 to 5 days). Therefore, it is necessary to extend deadlines needed for the announcement of candidacy or electoral list, for determining final results, submitting electoral material after the election, submitting the voters' register excerpts and acting on objections/complaints.

#40 EXTENDING THE DEADLINE FOR FILING COMPLAINTS TO THE ADMINISTRATIVE COURT

Recommendation status: new

Competent authorities: Ministry of Public Administration and the Local Self-Government and National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on Local Elections

In the case of local elections, it is necessary to amend article 54 of the Law on Local Elections, paragraph 1 in order to extend to 48 hours the deadline for filing complaints to the Administrative Court, as foreseen in the case of the republic elections. As the republic and the local elections

do not have other differences regarding the protection of the electoral right, it is indispensable to harmonise these deadlines knowing that the nature of these two election processes is identical.

A complaint against the electoral commission's decision can be lodged to the Administrative Court within 48 hours from the submission of the decision.

#41 – EXTENDING THE POSSIBILITIES OF THE ELECTORAL COMMISSIONS AND THE ADMINISTRATIVE COURT TO ASSESS EVIDENCE SUBMITTED WITH COMPLAINTS

Recommendation status: repeated

Competent authorities: electoral commissions, Administrative Court

○ The implementation of this recommendation requires changes in the work of electoral commissions and the Administrative Court

Modify the practice followed by the election commissions and the Administrative Court so that while acting on citizens' objections or complaints lodged to the Administrative Court, beside assessing the Minutes on the Work of the polling station committees from polling stations, the election commissions and the Administrative Court explore all possibilities of acquiring other evidence (statements of polling station committees members, accredited observers and, if necessary, of other institutions' representatives).

#42 COMPULSORY REPEATING OF THE ELECTIONS AT A POLLING STATION WHENEVER THERE IS A DISCREPANCY BETWEEN THE MINUTES ON THE WORK OF THE POLLING STATION COMMITTEE AND THE FACTUAL STATE DETERMINED BY THE REC/CEC/ADMINISTRATIVE COURT

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government and National Assembly of the Republic of Serbia

● The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and to the Law on Local Elections

Supplementing the Law on the Election of Members of Parliament and the Law on Local Elections towards mandatory repetition of elections at polling stations when the REC or the Administrative Court determine that the re-

sults from the Minutes on the Work of the polling station committees do not match the actual state of the election material. The electoral commission would be given authority to make the decision about repetition of elections.

#43 DETERMINING THE CASES WHEN THE ELECTORAL COMMISSIONS WOULD BE ALLOWED TO ACT EX OFFICIO

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government, National Assembly of the Republic of Serbia and Administrative Court

● The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and to the Law on Local Elections

It is necessary to define the conditions in the Law on the Election of Members of the Parliament and the Law on Local Elections when it is possible and justified that electoral commissions act ex officio. Electoral commissions could act ex officio only in the period from the day of calling of the elections until the expiry of the deadline set for the examination of the electoral material and 5 days afterwards.

#44 EXTENDING DEADLINES FOR THE ANNOUNCEMENT OF THE FINAL ELECTION RESULTS

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government, National Assembly of the Republic of Serbia

● The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and to the Law on Local Elections

It is necessary to extend the deadline for the announcement of final results of the elections in order to establish an efficient and coherent process of determining final results. Consequently, it convenes to modify article 86 of the Law on the Election of Members of the Parliament and article 44 of the Law on Local Elections in order to prescribe a ten-day deadline after the completion of voting at the last polling station within which electoral commissions would be obligated to announce the preliminary results of the elections.

Different types of pressure coerced on voters by candidates/ participants in the elections represent a growing problem in the electoral processes. In that sense, recommendations of the Venice Commission⁶² provide that public authorities could make clear statements and issue written instructions that no pressure on civil servants will be tolerated, that no civil servant or citizen should fear for their employment or social services as a result of supporting or not supporting any political party or candidate. Civil servants should accordingly benefit from protection against any intimidation or pressure. The 2018 election process put in fore front another type of pressure exerted directly on voters. Namely, this type of pressure coerced by different political entities is directed towards voters who are victims of disturbances by call centres, sms propaganda with political contents and other types of tools aimed at digital communication. The citizens were disturbed in this way during the election campaign and on the Election Day itself.

#45 – INTRODUCING LEGAL PROHIBITION OF PRESSURE ON EMPLOYEES IN PUBLIC COMPANIES AND PUBLIC ADMINISTRATION

Recommendation status: repeated

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government, National Assembly of the Republic of Serbia

● The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament and to the Law on Local Elections

Introduce prohibition of pressure on employees in public administration and public companies by an amendment to the Law on Public Companies and to the Law on Local Self-Government. Oblige public administration and public companies to additionally prescribe sanctions in case of pressure coerced on employees in their internal acts.

#46 IMPROVING THE PROTECTION OF CITIZENS' PERSONAL DATA IN ORDER TO PREVENT THE ELECTORAL PRESSURE

Recommendation status: new

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government, National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires changes in the practice of personal data operators

It is necessary to ensure an adequate personal data protection in order to prevent them from pressures they are exposed to by various political entities. This pressure is reflected in disturbing phone calls and other types of disturbances. It is therefore indispensable to prevent and stop this unacceptable type of political entities' acting. Bearing in mind all the aforesaid, it is necessary that obligees of the Law on Personal Data Protection cease to transfer citizens' data base and that political entities stop using this data base for any other purposes that those intended for in the first place.

#47 – INTRODUCING SHORT DEADLINES FOR THE ANTI-CORRUPTION AGENCY AND REM TO ACT ON OBJECTIONS

Recommendation status: repeated

Competent authorities: Ministry of Justice, National Assembly of the Republic of Serbia, Agency and REM

● The implementation of this recommendation requires amendments to the Anti-Corruption Agency Act and to the Law on Electronic Media

In order to ensure the effective control of the electoral campaign, it is necessary to determine short deadlines that would enable the Anti-Corruption Agency and the Regulatory Authority for Electronic Media (REM) to act on objections during the campaign, which can be done by supplementing the Anti-Corruption Agency Act and the Law on Electronic Media.

62 <http://www.osce.org/odihr/elections/227506?download=true> , page 10 "Where necessary, public authorities could make clear statements and issue written instructions that no pressure on civil servants will be tolerated and that no civil servant or citizen should fear for their employment or social services as a result of supporting or not supporting any political party or candidate. Civil servants should accordingly benefit from protection against any intimidation or pressure. Civil servants as well as their relatives should be protected against (hidden) sanctions, pressure or intimidation when they disclose an alleged fraud or misuse of administrative resources. If the law does not protect whistle-blowers in general, there should be specific rules in the context of electoral processes."

ELECTION

Keeping of parallel voters' registers is happening more and more frequently in order to exercise the control whether voters whose vote is counted on have actually voted. In this way, secrecy of voting is violated and pressure exerted on voters. It is forbidden to keep parallel records by the Instructions of the Work on Polling Station Committees, but as the abuse has become more frequent and as such behaviour has not yet been sanctioned, it convenes to stipulate this prohibition by the law. Moreover, it is crucial to invest additional efforts in order to allow voting of blind and visually impaired persons with the full respect of the secrecy of voting principle.

#48 FORBID DIRECTLY BY THE LAW KEEPING OF PARALLEL RECORD AT THE POLLING STATIONS WHICH VIOLATES THE SECRECY OF VOTING

Recommendation status: new

Competent authorities: Ministry of Justice, MDULS, Administrative Court and National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Law on the Election of Members of the Parliament

In that sense, article 55 of the Law on the Election of Members of the Parliament should be supplemented by a provision stating that it is forbidden at the polling station to

keep records of persons who casted their votes other than the official excerpts from the voters' register (by writing down names or ordinary number from the excerpt from the voters' register of people who voted or who did not vote), and putting into penal provisions of the same Law that whoever violates this provision would be fined with 10.000 to 30.000 dinars.

#49 REALISE STANDARDS FOR THE VOTING OF BLIND AND VISUALLY IMPAIRED PERSONS

Recommendation status: new

Competent authorities: Ministry of Justice, Ministry of Public Administration and the Local Self-Government, National Assembly of the Republic of Serbia

○ The implementation of this recommendation requires amendments to the Rulebook on the Work of Polling Station Committees and the Instructions for the Conduct of the Voting

In the previous practice of conducting elections, by-laws and the accompanying regulations did not contain provisions on the implementation of standards that would allow voting of blind and visually impaired persons. In this respect, the adoption of sub-legal acts (the Instructions for the Conduct of the Voting and the Rulebook on the Work of Polling Stations Committees) should include the aforementioned standards to ensure that blind and visually impaired persons exercise their voting rights appropriately.

CRJA