

The Congress of Local and Regional Authorities



Chamber of Local Authorities

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Local elections in Serbia (6 May 2012)

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Summary

The Congress appointed a delegation to observe the first round of the local elections in the Republic of Serbia (Serbia) on 6 May 2012.

With the exception of some incidents, the delegation stated that the elections were conducted in an overall calm and orderly manner in, mostly, well-organised polling stations. The Congress also referred to improvements in the legal framework and the electoral system of Serbia (a new allocation system for mandates and the abolition of the so-called blank resignations of candidates) which had positive effects on the identification of local leadership. However, the organisation of three elections – at presidential, parliamentary and municipal/local level – on the same day has meant that local elections were largely overshadowed by the national vote.

Matters of concern from a Congress perspective remain the infringement of the secrecy of the vote, the lack of transparency of media ownership and the situation of the Roma minority which seems to be particularly vulnerable to possible electoral malpractices.

The Congress therefore insisted on the need to improve the equipment at polling stations where simple cardboard separations, rather than polling booths, are still in use, compromising the secrecy of the vote. It also recommended that the practice of including all interested parties in the local Polling Boards which created oversized bodies and cumbersome procedures be reconsidered. Last not least, it pointed to the need for continued efforts to fight corruption and increase financial transparency.

The Congress stands ready to support the Serbian authorities in developing programmes and strategies to address these matters.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
ILDG: Independent and Liberal Democrat Group of the Congress
EPP/CD: European People's Party – Christian Democrats of the Congress
SOC: Socialist Group of the Congress
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a Political Group of the Congress
NPA: No political affiliation



DRAFT RESOLUTION²

1. The Congress of Local and Regional Authorities recalls that Serbia and Montenegro joined the Council of Europe on 3 April 2003. Following the declaration of independence of the Republic of Montenegro on 3 June 2006, and in accordance with Article 60 of the Constitutional Charter of the State Union of Serbia and Montenegro, the Committee of Ministers of the Council of Europe adopted at their 967th meeting a declaration on the continuation of Serbia's membership in the Council of Europe and the continuation of ensuring obligations and commitments.

2. The Congress notes with satisfaction that – based on the European Charter of Local Self-Government which was ratified by the country on 6 September 2007 – the guiding principles of local self-government are secured in Serbian legislation and the right of citizens to provincial autonomy and local self-government is guaranteed by the Serbian Constitution.

3. The Congress refers to its Report on local and regional democracy in Serbia which was adopted at the 21st Session in October 2011 and states that the change of Serbia's status from being part of a federated state to an independent country has had a positive impact on the status of provincial autonomy within the unitary state of Serbia. The proclamation of the Statute of the Autonomous Province of Vojvodina, in force since 1 January 2010, was an important step. At the same time, it notes that there is widespread acknowledgment of the need to further reform local self-government and strengthen the process of decentralisation in Serbia.

4. The Congress reiterates that free and fair elections, at national but also at territorial level, constitute an integral part of democratic processes in Council of Europe member States and it takes note of Recommendation XX(2012) regarding the findings of the Congress delegation who observed the local elections in Serbia on 6 May 2012.

5. Given the above, and in conformity with its Resolution 306(2010) on the strategy and rules for the observation of local and regional elections, the Congress:

a. asks, in particular, its Monitoring Committee to take note of the above-mentioned Recommendation and to take it into account in the framework of its work programme to assess the progress made by the country in matters of local democracy and the honouring of commitments to the European Charter of Local Self-Government;

b. invites its Bureau to use the change of legislation in Serbia, in respect of the election of Mayors, as an opportunity to examine the different systems of mayoral elections currently in place in Council of Europe member States.

6. The Congress expresses its will and availability to participate in activities aimed at strengthening local democracy and electoral processes in Serbia, through continued political dialogue with the authorities and in co-operation with the Standing Conference of Towns and Municipalities.

² Preliminary draft resolution and preliminary draft recommendation approved by the Bureau on 14 September 2012.

Bureau members:

K. Whitmore, President of the Congress, *H. Van Staa*, President of the Chamber of Regions, *J-C. Frécon*, President of the Chamber of Local Authorities, *W. Carey*, *G. Doganoglu*, *N. Romanova*, *A. Knape*, *L. Sfirloaga*, *O. Van Veldhuizen*, *J. Fischerova*, *D. Suica*, *H. Pihlajasaari*, *F. Pellegrini*, *S. Orlova*, *G. Policinski*

N.B : The names of members who took part in the vote are in italics

Bureau Secretariat: *D. Rios Turón*, *L. Taesch*

DRAFT RECOMMENDATION³

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the Statutory Resolution relating to the Congress of Local and Regional Authorities of the Council of Europe, adopted by the Committee of Ministers of the Council of Europe on 19 January 2011, and, in particular, its Article 2 paragraph 4 on the Congress's role in the observation of local and regional elections;

b. the principles laid down in the European Charter of Local Self-Government (ECLSG) which was ratified by Serbia on 6 September 2007.

2. The Congress points to the importance of genuinely democratic elections and to its specific mandate and role in the observation of local and regional elections in Council of Europe member States.

3. It stresses that Congress's election observation missions are carried out only upon invitation by the countries concerned. Similar to the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived as co-operation activities.

4. The Congress notes with satisfaction that:

a. the local elections of 6 May 2012 were conducted in an overall calm and orderly manner; the second round of local elections in a number of polling stations (cf. appendix VII) were not observed by the Congress (Presidential and Parliamentary elections held on the same day were observed by the Parliamentary Assembly of the Council of Europe);

b. the legal framework and the electoral administration system were improved, and following recommendations made by the Congress in 2008, mandates are now allocated in the order in which candidates appear on the candidates lists and the so-called blank resignations of candidates have been abolished which helps to better identify local leadership;

c. a new electronic data base, managed by the Ministry for Local Self-Government, was used allowing voters to verify – in one comprehensive list - their inclusion in the electoral registers; there was also a new Law on the Unified Voters Register adopted in 2011;

d. a new Anti-corruption Agency has been created by the authorities in order to control and supervise the political entities in respect of their sources of financing; there was also a new Law on Financing Political Activities adopted in 2011.

5. The Congress points out that the concurrent conduct of three elections – at presidential, parliamentary and regional/local level – on one day led to local elections being largely overshadowed by the national vote and also to organisational challenges for the election administration, particularly in polling stations with more than 3 or 4 elections/ballots.

6. It states that the equipment at polling stations has challenged the secrecy of the vote and the practice of including all interested parties in the local Polling Boards has created cumbersome procedures and worsened the situation of limited space available in most of the polling stations.

7. The Congress regrets to note that the transparency in media ownership and unclear financing of media remain a matter of concern in Serbia. The same is true for maintenance of safe working conditions for journalists, in particular in the context of local journalism.

³ See footnote 2

8. The Congress expresses concern that:

a. due to measures taken by the Serbian authorities to cope with the present global financial crisis, transfers made to local governments from the national budget have been significantly reduced; coupled with the fact that also all other sources of local authority revenue are severely diminished, this constitutes a threat for the ability of local authorities to effectively accomplish their tasks;

b. in the present economic climate minority groups, for example Roma, are particularly vulnerable to electoral malpractices such as controlled voting and vote-buying.

9. Taking into account the previous comments, the Congress invites the Serbian authorities to take all necessary steps:

a. to revise the practice of including all interested parties in the local Polling Boards and consider, instead, introducing a system of accredited domestic observers;

b. to refine the newly introduced single unified voters' register, in particular to remedy inconsistencies in voters' lists in the southern part of the country;

c. to increase transparency in party and media financing and ensure the enforcement of anti-corruption measures, not least by the newly formed Anti-corruption Agency;

d. to address the issue of infringement of the secrecy of the vote, due to the equipment at polling stations, and use in future proper polling booths instead of cardboard separations at tables.

10. Furthermore, the Congress encourages the Serbian authorities to progress local self-government reforms and develop decentralisation also in other local administrative units than the Autonomous Province of Vojvodina, taking inspiration from the principles set out in the Reference Framework of Regional Democracy.

11. Being aware of the financial implications of election administration, the Congress suggests to organise local and Presidential/Parliamentary elections in future on separate dates in order to avoid the predominance of the national vote.

EXPLANATORY MEMORANDUM

I. Introduction

1. Following an invitation by the Serbian authorities the Congress President - in consultation with the Presidents of the Local and the Regional Chamber - decided to observe local and regional elections in Serbia on 6 May 2012. Nigel Mermagen (UK, L, ILDG) was appointed Head of Delegation and Rapporteur.

2. In preparation, a pre-electoral assessment mission was deployed to Belgrade from 17-19 April. The electoral mission took place from 2-7 May 2012 and comprised 13 members in total. On Election Day, 7 Congress teams were deployed all around the country and observed the vote in 121 polling stations. The details of the delegation, programmes and deployment areas appear in the appendices.

II. Political and legal context

a. Political background

3. On 6 May 2012, for the first time, three elections – at local, parliamentary and presidential level – were held concurrently throughout Serbia. On the same day elections were also held at regional level

in the Autonomous Province of Vojvodina where, in places, up to 7 votes took place simultaneously. The local, regional and parliamentary elections, called on 13 March 2012, occurred at their 4-year natural term. However, on 5 April President Boris Tadic resigned his office and called early presidential elections, also for 6 May, leading to the day being tagged “Super Sunday”.

4. Since the previous elections in 2008 (also observed by Congress),⁴ the 2 majority parties remained the Democratic Party (DS) led by the President Boris Tadic, and its main opposition the Serbian Progressive Party, led by Tomislav Nikolic.

5. However, Serbia has a complex system of political parties, joining together in coalitions that differ depending on the local, regional or national context. There is a 5% minimum threshold rule governing representation, but it does not apply to minority groups, of which Serbia has 21.⁵ It is difficult to gain a precise picture of political contestants at the local level as no central register exists.

6. Apart from the Vojvodina in the north, Kosovo⁶ to the south also has a distinct political character.

Kosovo

7. For the first time, in these 2012 elections, Serbian authorities did not organise local elections in Kosovo. In protest, the Serb-majority municipalities of Zvecan and Zubin Potok in the Kosovska-Mitrovica district organised their own Serbian local elections, but these were considered as illegal and were not recognised.

8. However, Northern Kosovo Serbs were enfranchised to vote in parliamentary and presidential elections. This was the result of a deal brokered in the last days preceding “Super Sunday”, and involved the cooperation of the OSCE and EULEX and KFOR who facilitated the vote and escorted ballot papers to counting stations at Vranje and Raska in Serbia.⁷

b. Legal framework

Municipalities

9. The status of municipalities is governed by the Constitution (2006) which lists the original competences of local authorities.⁸ Of further interest are the laws on Local Self-Government, Territorial Organisation and the Capital City (Belgrade).

Elections

10. In addition, elections are also governed by the Law on Local Elections (2006) the Broadcasting Law, as well as rules, decisions and opinions of the Republic Election Commission (REC).⁹ Several new laws were also tested for the first time at these elections including: the Law on the Unified Voters Register (2011) and the Law on Financing Political Activities (2011).

Voter registration

11. For the first time, an electronic data base, managed by the Ministry for Local Self-Government, was used allowing voters to verify in one comprehensive list their inclusion in the electoral registers, and to identify their local polling station. Some Congress interlocutors questioned the accuracy of this single register, with its relatively high number of voters (6.7 million out of a total population of 7.1 million) feeling that its implementation, so close to the elections, was too rushed. They felt it had not allowed enough time to eliminate all duplicate entries, nor to inform electors of the importance of checking their inclusion on the register within the time limits provided. The REC maintained the use of invisible ink spray during this election in a measure to prevent double-voting.

⁴ [Recommendation 254 \(2008\)](#) : Local and provincial elections in Serbia

⁵ According to the 2002 census

⁶ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

⁷ <http://www.osce.org/kosovo/90316>

⁸ Serbia is divided into 150 municipalities, 24 cities and the Capital City.

⁹ For these 2012 elections the REC issued special Operating Rules so that the Polling Boards (PBs) and election commissions would complement each other so as to carry out the concurrent elections at the same polling stations.

Political financing¹⁰

12. A new law regulates the financing of the political entities, parties, coalitions, and citizens' groups, both in their regular operation and during the election campaign. Sources of financing can be both public and private, and the control and supervision of the political entities is performed by a new Anti-corruption Agency. All political entities are obliged to submit financial reports to the Agency concerning campaign costs. These reports, as well as the supervision the Agency performs, may form the basis of misdemeanor and criminal charges against political entities, as well as individuals within them.

III. Election administration

13. The Republic Electoral Commission (REC) is the overall responsible body for elections in Serbia. It is composed of 19 members with a balanced political representation. However for local, municipal and regional elections, its mandate is limited to the composition of the Electoral Commissions (EC) of the local self-governing units as well as complaints made concerning this composition, training, providing election materials and collating results. For these 2012 elections the REC established 8,391 polling stations.

14. Otherwise local, municipal and regional elections are carried out by Electoral Commissions (ECs) of the local self-government units and Polling Boards (PBs).¹¹ Apart from the autonomous regions, there is no tier of election administration between the central level and local self-government bodies.

15. Elections for the representatives of all municipal assemblies in the Republic of Serbia, and city councils, including Belgrade City, are called by the National Assembly Speaker.¹² Districts are only administrative units, and therefore have neither assemblies nor independent budgets. Local representatives are elected for a four-year term, based on the lists of the political parties, their coalitions, and the lists proposed by the citizens' groups. Citizens of the Republic of Serbia, over 18 years of age, with permanent residence in one of its local self-government units, have the right to vote and be elected.

16. Election of the local representatives is carried out in the municipality as a single electoral unit. Local representatives are elected according to the proportional representation system, while mayors and assembly speakers are elected indirectly, among elected local representatives. This represents a change from the previous election, when mayors were directly elected. The Republic Electoral Commission apportions the mandates according to quotient (the d'Hondt system). National minorities are not subject to the 5% minimum threshold rule.

Kosovo

17. Following the agreement reached by the authorities of Serbia and Kosovo in co-operation with the OSCE, EULEX and KFOR, 90 polling stations in 28 locations were established for 109 000 voters in Kosovo, to cast their votes in the presidential and parliamentary elections, with their ballots being escorted to counting stations at Vranje and Raska in Serbia.¹³

Complaints and appeals

18. Complaints and appeals are governed by the Law on Local Elections. Complaints against the local Election Commission (EC) must be lodged within 24 hours. The EC then has 48 hours to take a decision. An appeal may be made against that decision within 24 hours. The Administrative Court must make a decision on the appeal within 48 hours.

¹⁰ See opinion on this draft law, as well as other laws of Serbia, by the Council of Europe Venice Commission: http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&CID=53

¹¹ Where local and parliamentary elections take place simultaneously, Polling Boards established for national elections also carry out the local elections.

¹² For these 2012 elections, only those municipalities holding by-elections since the 2008 general local elections were excluded.

¹³ <http://www.osce.org/kosovo/90287>

IV. Election campaign, socio-political and media environment

19. The Presidential duel between the incumbent Boris Tadic of the Democratic Party, and Tomislav Nikolic from the Progressive Party completely overshadowed local issues, which lost out in terms of air time and media reporting.

20. Major issues of concern to local interlocutors were the impact of the economic crisis; the high unemployment rate - notably in small towns and rural areas which can reach up to 40% in parts –(the deployment team to Novi Pazar was informed that 52% were out of work in the area) and the particularly difficult situation for young people - two thirds of whom are now looking for jobs in the capital city, Novi Sad or Nis.

21. Municipalities have also been hard hit by revenue reduction and only Belgrade and Novi Sad can now manage without state transfers, all others being dependent on VAT which is centrally controlled.

22. Congress interlocutors spoke of widespread voter disenchantment in a stagnant political situation with no new major contender since the previous elections. This caused a cynical “why vote, nothing will change” attitude – which expressed itself in the formation of a new political party called “None-of-the-Above”, which gained a seat at the parliamentary elections.

23. There was speculation that, by calling early presidential elections, Boris Tadic hoped to take advantage of the European Union decision in March, to grant Serbia full candidate status but, at the local level, and particularly amongst young people, enthusiasm for EU membership has waned

The media

24. A matter of concern for the Council of Europe remains the lack of transparency in media ownership and unclear financing, particularly in respect of local media. With regard to campaign reporting, local issues were clearly overshadowed, in particular by the Presidential duel, and many Congress interlocutors pointed to the lack of critical analysis, also in relation to news reports on the government.

25. The Council of Europe Commissioner for Human Rights has drawn attention to threats and attacks against journalists in Serbia, generally in a national context¹⁴. Congress interlocutors felt that the pressures and threats were even greater on local journalists, and particularly menacing in the case of local investigative journalism, uncovering local instances of corruption.

Anti-corruption¹⁵

26. The Congress delegation regretted that the newly formed Anti-corruption Agency was not available for meetings - neither during its pre-election mission nor its main mission. – therefore, the members of the delegation were unable to raise questions concerning party finance, nor to assess its preparedness for the multiple-election challenge.

Minority rights and multi-ethnic issues

27. Serbia has 8 land boundaries and 21 minority groups forming 17% of the population and their rights are protected by the Constitution.¹⁶ Although the REC issued an instruction that ballot papers should be expressed in Cyrillic as well as in the minority mother-tongue, Congress delegation members, particularly in Southern Serbia, observed that, on Voting Day, certain voters had difficulty identifying their names on the voter register as these were written only in Cyrillic script, which they were unable to read.

¹⁴ Threats to journalists in Serbia, see also the Report by the Council of Europe Commissioner for Human Rights : <https://wcd.coe.int/ViewDoc.jsp?id=1834869&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

¹⁵ See also country reports by the Council of Europe Group of States against corruption (GRECO) [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2010\)3_Serbia_One_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2010)3_Serbia_One_EN.pdf)

¹⁶ 2002 Census of population

Roma

28. Roma represent approximately 1.5 % of Serbia's population and most are registered as unemployed.¹⁷ Congress interlocutors felt that in the present economic climate, this made them particularly vulnerable to controlled voting and vote-buying. Indeed, as a concrete example of this, on Election Day, the Congress deployment team in Novi Sad verified reports of an incident involving a bus located outside a polling station in the area discovered to have been used to organise the buying of Roma votes. The polling station was closed while the authorities investigated. Further allegations of vote-buying, also concerning Novi Sad, have been reported by Transparency Serbia.¹⁸

29. Congress members questioned how 'legally invisible' Roma, without registration and personal identity documents, were able to register so as to participate fully in the vote. However, the measures being taken to correct this - as reported by the Council of Europe's Commissioner for Human Rights on his visit to Serbia in 2011 - are not yet in place.¹⁹

30. During the election campaign a controversial eviction and destruction of a Roma camp in Belvil, Belgrade, was ordered by Belgrade City authorities in the week prior to polling day.²⁰

The Albanian minority

31. In the Southern Serbia area bordering Kosovo, tension flared on the day before Polling Day with reports of the arrest of 8 Albanians, 5 allegedly for war crimes committed in 2001, and one of whom was a parliamentary candidate. The Mayor of Bujanovac Kamberi accused the Belgrade authorities of attempting to impose a state of emergency in Southern Serbia and Albanian leaders announced an organised protest, with the threat of a boycott of the elections.

The Sandzak area²¹

32. The population of Serbian Sandzak comprises 57% Bosniak Muslims and 37% Serbian population. A Muslim religious leader from the area, the Mufti Zukorlic, also ran as candidate for President, which stirred up local inter-ethnic issues. Two days before polling day inter-ethnic tensions mounted when one of the local candidates had his car shot at, although he escaped unhurt and 4 of the Mufti's party were reported to have been arrested in a forceful action by police.

Women's participation

33. According to the Law on Local Elections, every three sequential candidates in the electoral list must contain at least one candidate belonging to the less represented gender in the list - in this case women. Congress interlocutors expressed the hope that for the 2012 elections there would be a real participation of women following the elections; they remarked that in previous elections, although the recommended percentage of women had appeared on the lists, the practice of blank resignations (now discontinued) had, in effect, prejudiced more women than men.

V. Election Day

Opening

34. Congress observers reported late opening of some polling stations. This seemed to occur mostly in areas where more than 3 ballots were being organised and, although Commission members had arrived on time, administration procedures were lengthy - such as obtaining the "extended Commission" signatures (up to 40 or so) for each of the ballot boxes, sealing the boxes (up to 7 in some cases), laying out the ballot papers, and so on. In some rare cases it was observed that the

¹⁷ ECRI reported in 2011 that Roma in Serbia continue to suffer from a high unemployment rate, low economic activity and almost total exclusion from the public sector. In addition, the majority of Roma are outside the employment system, employed illegally and mostly registered as unemployed.

¹⁸Transparency Serbia

<http://www.transparentnost.org.rs/images/stories/materijali/11052012/text%20for%20the%20conference%2011.05.%20transparency%20serbia.doc>

¹⁹ See [CommDH\(2011\) 29](#) - Report by the Commissioner for Human Rights of the Council of Europe, following his visit to Serbia on 12-15 June 2011

²⁰ http://www.coe.int/t/congress/newssearch/Default_en.asp?p=nwz&id=6973&lmLangue=1

See also Congress Resolution 333 (2011)

²¹ An area traversing the boundary between Montenegro and Serbia.

boxes were fixed with only one seal, the other seeming to have been neglected in the rush to be ready to open on time.

The process of voting

35. Each Electoral Commission and Polling Board was responsible for its own organisation of polling day and this led to slight variations as to how voters were processed. There were also some differences at the close of the polling stations when most allowed those who were already queuing at 8 pm to continue to vote, while a few polling stations counted 20 in the line and closed the vote to all others who were waiting. Nevertheless, overall, the Congress deployment teams reported a voting process that was orderly and well-managed. It was noticeable that where delays did occur, and queues were the longest, it was in polling stations having to cope with more than 3 or 4 votes, and taking place in the smaller premises.

Domestic observers

36. The Serbian system of extending the composition of Polling Boards to include representatives of all interested parties, rather than forming a smaller commission, usually around 9 members, and accrediting the rest as domestic observers, means that a Polling Board can comprise up to 40 members. This contributes to logistical problems, such as overcrowding of small premises, where numbers of the extended polling board members may at times outnumber voters able to access the polling station. It may also lengthen the time taken to resolve differences during the count (such as what constitutes a spoiled ballot) and must present an additional challenge in terms of adequate training ahead of the elections.

37. Whilst it was reported that the Center for Free Elections and Democracy (CeSID) had trained 1000 observers for these elections, the Congress deployment teams did not come across any domestic observers during Election Day, although polling station presidents questioned often remarked that representatives of CeSID had visited the polling station earlier.

38. Nor did any of the teams encounter exit poll collators outside the stations. The poll predictions made just after the vote and before the official results were known, were rather inaccurate.

Disabilities

39. Although a mobile ballot box system was in place, and was observed to work well, Congress interlocutors raised the question of how well informed disabled voters were about the registration process to request the mobile ballot box. Whilst the more modern polling stations were often equipped with ramps, either permanent or temporary, allowing disabled access, there were still a significant number of polling stations where accessibility was limited, either because of steps, or because in primary school premises only child-sized low tables and chairs were available for filling in the ballot papers.

Secrecy of the vote

40. As in the 2008 election observed by Congress, the secrecy of the vote was not assured. In general, there was no booth or curtain, just cardboard half-screens or dividers set up between tables. These were generally low child-size tables so that those passing behind the voter, to the next table, could easily see the elector's choice. The deployment teams also observed that some incidents of "family voting" occurred and interference was easier given that the voter was not isolated.

41. It was noted by Congress observers, particularly in the south of the country, that illiteracy was an issue and voters were asking and being shown which party/candidate to vote for.

VI. Election results

42. No specific data is available for local and regional elections but the turnout, taken as an average of the Presidential and Parliamentary statistics, is approximately 57.91%. On the same basis, spoiled ballots would account for approximately 4.42% of votes.²²

²² Voters' participation: 57.94% (Parliamentary elections), 57.87% (Presidential elections). Invalid ballots: 4.36% (Parliamentary elections) and 4.47% (Presidential elections).

43. As the local election votes were counted last, results arrived rather slowly (apart from the Capital City) and were announced on 10 May. Results from the major cities are shown below:, other results appear at Appendix VII.

44. **Belgrade:** Democratic party 35.18%, Serbian Progressive party 25.72%, Socialist Party of Serbia 9.14%, Democratic Party of Serbia 7.46%

45. **Novi Sad (Vojvodina):** Democratic Party 18.6%, Serbian Progressive Party 16.4%, League of Social Democrats of Vojvodina 16.1%, Coalition of Socialist Party of Serbia 8.13%, Roma Democratic Party 6.4%, DSS 5.92%, Dveri 5.36%, Serbian Radical Party 5.13%, Alliance of Hungarians of Vojvodina 1.78% and None-of-Above 1.07%

46. **Nis²³ (Central Serbia) :** Serbian Progressive Party 21.04%, Democratic Party 18.58%, Coalition of Socialist Party of Serbia 13.96%, United Regions of Serbia (URS) 13.83%, Democratic Party of Serbia: 6,08%, Liberal Democratic Party (Turnover) 5.62%

VII. Conclusions

47. With the exception of some incidents in certain regions the Congress delegation was satisfied that the elections were conducted in an overall calm and orderly manner. Polling stations were well organised within the restrictions caused by the limited space available, especially in view of the large number of members of the Polling Boards.

48. Following the recommendations made in the Congress Report of 2008, significant progress has been made whereby mandates are now allocated in the order in which candidates appear on the candidates' lists. In addition, the so-called blank resignations of candidates have been abolished, which, particularly from the perspective of local democracy, helps to better identify local leadership. On the other hand there is still room for improvement in terms of decentralisation in Serbia as (apart from the Autonomous Province of Vojvodina) there is still no intermediate tier of government between central and local levels.

49. The newly introduced single unified voters' register is very welcome and did not cause significant problems. However, its accuracy - given the relatively high number of voters compared to the total number of citizens - could be refined. Efforts should be continued to find solutions to improve the situation of those, particularly the Roma, lacking personal identity documents so as to ensure their right to participate in elections ²⁴ In addition, the inconsistencies in voters' lists in the southern part of the country require particular attention.

50. A further welcome improvement to these elections was the introduction of the Anti-corruption Agency, although it is too early to pronounce on its efficacy.

51. Other matters of concern to the Congress include the lack of transparency in media ownership and unclear financing, in particular of local media, which still needs to be addressed; local democracy would benefit from unbiased analysis of local issues.

52. The equipment at polling stations (where simple cardboard separators, rather than polling booths, are also still in use - compromising the secrecy of the vote) and access for people of reduced mobility, particularly in rural areas, remains an issue.

53. The practice of including all interested parties in the local Polling Boards, rather than using a system of accredited domestic observers, creates a cumbersome structure in terms of decision-making, logistics and training.

²³ * Due to a number of mistakes/omissions during the voting process, elections were repeated for a number of polling stations

²⁴ CoE commissioner for Human rights

<https://wcd.coe.int/ViewDoc.jsp?id=1834869&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

Appendix I – Members of the Congress observation delegation – deployment**ELECTION OBSERVATION MISSION – PRE-ELECTORAL MISSION, SERBIA, 17-19 APRIL 2012*****Members of the Congress***

Gaye DOGANOGLU (Turkey, EPP), Member of the Municipal Council of Muratpasa, Antalya
 Nigel MERMAGEN (Head of Delegation, UK, ILDG), Councillor, South Somerset District Council

Members of the EU Committee of the Regions

Väino HALLIKMÄGI (Estonia, ALDE), Member of Pärnu City Council

Congress Secretariat

Renate ZIKMUND, Head of the Division of Communication and Election Observation
 Jane DUTTON-EARLY, Assistant to the Congress Election Observation Monitoring Mission/Serbia

ELECTION OBSERVATION MISSION, SERBIA, 6 MAY 2012**MEMBERS OF THE CONGRESS DELEGATION*****Members of the Congress***

Maria Teresa ARCINIEGA-ARROYO, Member of the Cortes de Aragon (Regional Parliament), Spain (R, NR),

Gaye DOGANOGLU, Member of the Municipal Council of Muratpasa/Antalya, Turkey (L, EPP/CD)

Henry FERAL, Mayor of Puycelci, France (L, EPP/CD)

György ILLES, Mayor of Pilisszentlászlo, Hungary (L, ILDG)

Jüri LANDBERG, Member of Rägavere Local Council, Estonia (L, ILDG)

Nigel MERMAGEN, Councillor, South Somerset District Council, United Kingdom, (L, ILDG) Head of the delegation/Rapporteur.

Valentina ROSSI, Member of the Giunta di Castello di Acquaviva, San Marino (R, SOC)

Hannes WENINGER, Member of the Municipal Council of Giesshübl, Member of Parliament, Austria (L, SOC)

Urs WÜTHRICH-PELLOLI, Councillor Urs Wüthrich-Pelloli, Member of the government Canton Basel-Landschaft, Switzerland (R,SOC)

Members of the EU Committee of the Regions

Uno SILBERG, Member of Kose Rural Municipality Council (Estonia / EA)

Väino HALLIKMAGI, Member of Pärnu City Council, (Estonia/ALDE)

Congress Secretariat

Renate ZIKMUND, Head of the Division of Communication and Election Observation

Jane DUTTON-EARLY, Assistant to the Congress Election Observation Mission

Appendix II - Programmes**PROGRAMME OF CONGRESS PRE-ELECTORAL MISSION, SERBIA, 17-19 APRIL 2012**

Tuesday, 17 April 2012

| | |
|-------------|---|
| 14h10 | Arrival of members of the Congress pre-election delegation |
| 15h30-16h00 | Exchange of views with Ambassadors (or their representatives) from respective countries of the Congress delegation members: Ms. Halime Digidem Buner, Counsellor, Embassy of Turkey Mr. Dušan Mihajilović, Political Officer, Embassy of the United Kingdom |

Two joint meetings with PACE

- 16h00-17h15 Meeting with the diplomatic corps and international organisations:
Mr. Thomas Gnocchi, Head of Political Section and Ms. Sanda Babić, Political Officer, Delegation of the European Union to Serbia
Mr. Thomas Moore, Deputy Head of OSCE Mission to Serbia
Mr. Dušan Mihajilović, Political Officer, Embassy of the United Kingdom
H.E.Mr. Nils Ragnar Kamsvag, Ambassador of Norway
Ms. Halime Digdem Buner, Counsellor, Embassy of Turkey
- 17h30-18h30 Meeting with representatives of the media
Mr. Bojan Brkić, Deputy Editor-in-Chief, RTS
Mr. Saša Mirković, Director of B92 and President of the Management Board of ANEM
Mr Milenko Vasović, Deputy Editor-in-Chief of BLIC
Mr. Vukašin Obradović, President of NUNS
Ms. Ljiljana Smajlović, President of UNS

Wednesday, 18 April 2012

- 09h15- 09h45 Briefing by Ms. Antje Rothmund, Head of the CoE Office in Belgrade and Ms. Nadia Ćuk, Deputy Head of Office
- 09h45-10h45 Briefing by Ms. Corien Jonker, Head of the OSCE/ODIHR Limited Election Observation Mission and relevant person in OSCE and OSCE-ODHIR that may be more specialised in local issues
- 10h45-12h00 Meeting with representatives of the civil society:
Ms. Izabela Kisić, Executive Director, Helsinki Committee for Human Rights
Mr. Vladimir Todorčić, Director, New Policy Center
Mr. Nemanja Nenadić, Programme Director, Transparency Serbia
Mr Srdjan Bogosavljević, Country Manager of IPSOS
- 13h30-14h45 Meeting with Mr. Đorđe Staničić, Secretary General of the Standing Conference of Towns and Municipalities
- 14h45-15h45 Meeting with the Serbian delegation to the Congress – candidates
Council of Local Authorities:
Mr. Mihalj Njilas, Mayor of Kanjiža
Ms. Dragana Živanović, Mayor of Rača
Mr. Nenad Stevanović, Mayor of Osečina
Mr. Novica Tončev, Mayor of Surdulica
Council of Regions
Mr. Željko Ožegović, member of the Belgrade City Council (Head of the Serbian Delegation to Congress)
Mr. Siniša Lazić, Vice-President of the Vojvodina Assembly (member)
Ms. Dušica Davidović, member of the Nis City Council (deputy)
- 16h00-17h00 Meeting with Mr. Saša Mogić, Assistant Minister for Local Self-Government, Ministry of Human and Minority Rights, Public Administration and Local Self-Government
- 18h00-19h00 Meeting with Mr. Predrag Grgić, Chairperson of the Republic Electoral Commission

Thursday, 19 April 2012

09h00-10h30 Meeting with Prof.Damjanovic Megatrend University, Belgrade
 12h40 Departure of the delegation

**PROGRAMME OF THE CONGRESS ELECTION OBSERVATION MISSION TO SERBIA
 2-8 MAY 2012**

Wednesday 2 May 2012

Arrival of the delegation

Thursday 3 May 2012

09:00 -09:40 Briefing of the delegation by Renate Zikmund, Head of the Election Observation Division of the Congress

09:45 – 10:30 Briefing by Ms Antje Rothmund, Head of the CoE Office in Belgrade and Deputy Head of Office, Ms Nadia Cuk

10:30 – 11:30 Briefing on election administration and the media by Ms Corien Jonker, Head of the ODIHR Limited Election Observation Mission to Serbia, Deputy Head of Mission Mr Rasto Kuzel

11:30 – 13:00 Briefing with Ms Ljiljana Smajlovic, President of UNS (journalists association of Serbia), on the role of the media in the election campaign, and with Ms Izabela Kisić, Helsinki Committee for Human Rights on the situation of minority groups, in particular the Roma population in Serbia

14:30 – 16:00 Briefing with representatives of the Megatrend University, Belgrade, on the political situation in Serbia against the background of Election Day 2012

16:15 – 17:30 Briefing with Ms. Svetlana Logar, Research Director, IPSOS, and with Mr Vladimir Todorić, Director of the New Policy Center on opinion polls and election research

Friday 4 May 2012

08:30– 09:30 Meeting with Mr. Veljko Odalović, Secretary General of the Republic Electoral Commission, on current state of preparations for the elections;

11:00 – 12:30 Meeting with members of the Belgrade City Council and Members of the City Council: Zeljko Ozegovic (Democratic Party, Head of the Serbian Delegation in the Congress), Darko Bozic (United Pensioners of Serbia Party), Nikola Pavic (Liberal Democratic Party), Slobodan Solevic (Socialist Party of Serbia)

SCTM: Djordje Stanicic, Secretary General, Aleksandra Milic, Head of Unit for EU Integration and International Cooperation

14:15 – 15:00 Meeting with the Minister for Local Self-Government in Serbia, Human and Minority Rights, in particular on the electronic voters register (Ministry); (TBC)

15:30 – 17:00 Meeting with candidates of political parties for Belgrade local elections including: Democratic Party of Serbia (Dejan Culic); member of the Belgrade City Board; United Pensioners in Serbia Party (Slobodan Rebić, Slavko

Došenović, Darko Božić, Vera Paunović); United Regions of Serbia (Miroslav Čučković)

18:00 – 20:00 Reception for the election observers hosted by H.E. Mr. Armando Varricchio, Ambassador of Italy

Saturday, 5 May 2012

Deployment teams' programmes

Team 1 Belgrade + vicinity Smederevo and Team 6 Novi Sad

Renate ZIKMUND Urs WÜTHRICH-PELLOLI
Nigel MERMAGEN Hannes WENINGER
15:00 Meeting with mayor and members of the city council of Smederevo
16:00 Meeting with candidates of political parties of Smederevo

Team 2 Belgrade + vicinity Pancevo

Jane DUTTON-EARLY
Henry FERAL
15:00 Meeting with mayor and members of the city council of Pancevo
16:00 Meeting with candidates of political parties of Pancevo

Team 3 Nis

Väino HALLIKMAGI
16:00 Meeting with candidates of political parties

Team 4 Presevo / Vranje

Maria Teresa ARCINIEGA ARROYO
Jüri LANDBERG
16:00 Mrs. Ljiljana Stojanović, President of the City Electoral Commission

Team 5 Novi Pazar (Sandzak area)

Valentina ROSSI
Gaye DOGANOGLU
15:00 Open meetings with Members of the City Council
16:00 Open meetings with candidates in the regions

Team 6 Novi Sad + Sremska Mitrovica (Vojvodina)

Urs WÜTHRICH-PELLOLI
Hannes WENINGER
(This team joins Team 1 for local meetings Saturday 5 May)

Team 7 Subotica – Kanjiza (3h00) (Vojvodina)

Uno SILBERG
György ILLES
15:00 Meeting with mayor and members of the city council in Kanjiza
Meeting with candidates of political in Kanjiza

Sunday, 06 May 2012: Election Day

(opening hours of polling stations: 7:00 am – 8:00 pm)

Monday 7 May 2012:

12:00

Congress Press Conference

Appendix III

CONGRESS ELECTION OBSERVATION MISSION SERBIA, 6 MAY 2012

DELEGATION – DEPLOYMENT

| Team | Deployment Areas | Team Composition |
|------|--|--|
| 1 | Belgrade + vicinity Smederevo | Renate ZIKMUND Nigel MERMAGEN |
| 2 | Belgrade + vicinity Pancevo | Jane DUTTON-EARLY Henry FERAL |
| 3 | Nis (2h45) | Väino HALLIKMAGI |
| 4 | Presevo (4h30) / Vranje (4h) | Maria Teresa ARCINIEGA ARROYO Jüri LANDBERG |
| 5 | Novi Pazar (4h) (Sandzak area) | Valentina ROSSI Gaye DOGANOGLU |
| 6 | Novi Sad (1h15) + Sremska Mitrovica (Vojvodina) | Urs WÜTHRICH-PELLOLI Hannes WENINGER |
| 7 | Subotica – Kanjiza (3h30) (Vojvodina) | Uno SILBERG György ILLES |

Appendix IV : Press Release (Ref. CG-PR013(2012))

Congress welcomes improvements for local democracy in Serbia despite the predominance of Presidential elections on 6 May

Belgrade, 7 May 2012 - Today, a delegation from the Congress of Local and Regional Authorities of the Council of Europe has concluded its mission to observe the local and provincial part of the elections carried out in Serbia on 6 May 2012. For the first time, three elections – at presidential, parliamentary and grassroots level – were held concurrently throughout the country. “This has led to organisational challenges for the election administration in over 8000 polling stations and to the fact that local elections were largely overshadowed by the national vote,” stated Nigel Mermagen (United Kingdom, ILDG), Head of the Congress delegation, at a press conference in Belgrade. He also referred to improvements in the legal framework and the electoral system of Serbia which had positive

effects on the identification of local leadership in Serbia. Matters of concern from Congress perspective remain the infringement of the secrecy of the vote, the lack of transparency of media ownership and the situation of the Roma minority which seems to be particularly vulnerable to possible electoral malpractices.

On Election Day, observation teams from the Council of Europe Congress – the delegation comprised 13 members including two members of the EU Committee of the Regions from nine different countries – were deployed to seven areas and visited around 300 polling stations throughout Serbia*).

Presenting the first conclusions, the Head of the delegation confirmed that - with the exception of some incidents in certain regions - the elections were conducted in an overall calm and orderly manner. Polling stations were well organised within the restrictions caused by the limited space available, especially in view of the large number of members of the polling boards. However, as already during local elections in 2008, the equipment of polling stations remains a matter of concern. “Simple cardboard separations at tables instead of proper polling booths compromised the secrecy of the vote in most of the polling stations visited. Even if it seems that voters have got used to this situation, it must be said that this is not compatible to European standards”, underlined the Rapporteur of the Congress.

According to the amended legal framework of elections in Serbia, mandates are now allocated to the order in which candidates appear on the candidates lists. Also, the so-called blank resignations of candidates have been abolished. “This was amongst recommendations made by the Congress of Local and Regional Authorities already in 2008 and is, particularly from the perspective of local democracy, mostly welcome because it helps to better identify local leadership”, stressed Mr Mermagen. Furthermore, he pointed to the fact that - according to Congress’ observations - the newly introduced single unified voter register did not cause significant problems. “Although, we are aware of inconsistencies of voters lists in the southern part of the country and of the relatively high number of voters compared to the total number of citizens which raised some questions,” Mr Mermagen added.

The lack of transparency in media ownership and unclear financing, in particular of local media, should be also addressed, according to the Congress observers. “With regard to campaign reporting, local issues were largely overshadowed by the Presidential vote. Given the difficult financial situation of Serbia’s municipalities and the high unemployment rate, notably in small towns and rural areas, this is regrettable”, said Mr Mermagen. He also mentioned that according to some Congress interlocutors the Roma community was considered as specifically vulnerable to possible electoral malpractices, for example vote-buying. “In addition, overcrowded polling stations in some areas have led to long waiting queues and there were cases of family voting observed by members of the Congress teams.”

The final Congress Report on the observation of local and provincial elections in Serbia will be debated at the Plenary Session in October 2012.

* Congress deployment areas on 6 May 2012: Belgrade and vicinities (Smederevo and Pancevo), Nis, Presevo/Vranje, Novi Pazar (Sandzak area), Novi Sad and Sremska Mitrovica, Subotica and Kanjiza (Vojvodina).

For further information contact:

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Appendix V

Result of the vote for local and regional elections²⁵

²⁵ As at 10 May 2012.

Belgrade: Democratic party 35,18%, Serbian Progressive party 25,72%, Socialist party of Serbia 9,14%, Democratic party of Serbia 7,46%.

Novi Sad (Voivodina): Democratic party:18,6%, , Serbian Progressive party: 16,4%, League of Social Democrats of Vojvodina: 16,1%, Coalition of Socialist party of Serbia: 8,13% Roma democratic party: 6,4% DSS: 5,92%, Dveri: 5,36%, Serbian Radical Party 5,13 Alliance of Hungarians of Vojvodina 1,78% and None of above 1,07%.

Subotica (Voivodina): Democratic party 27,75%, Alliance of Hungarians of Voivodina: 19,71%, Serbian progressive party: 9,99%, League of social democrats 6,66%, Socialist party of Serbia: 5,53%, Liberal democratic party (Turnover): 5,66%.

Pančevo (Voivodina): Democratic party 21,25%, Serbian Progressive party 20,41%, socialist party of Serbia 14,25%, United regions of Serbia 6,73, Democratic party of Serbia 6,59%, League of Social Democratic party of voivodina 6,29%, Liberal Democratic party – turnover 6,26%.

Sremska Mitrovica (Voivodina): Democratic party 23,6%, Association of citizens Valuable Mitrovica 19% Serbian progressive party 15,4% Democratic party of Serbia 12,5% Socialist party of Serbia 9%.

Zrenjanin (Voivodina): Serbian Progressive party 29,43%, Democratic party 18,73%, League of social democrats of Vojvodina 15,40%, Socialist party of Serbia 9,70%, Serbian Radical party 5,41%.

Nis²⁶ (Central Serbia) : Serbian Progressive Party 21,04%, Democratic party 18,58%, Coalition of Socialist party of Serbia: 13,96%, United regions of Serbia (URS): 13,83%, Democratic party of Serbia: 6,08%, Liberal democratic party (Turnover): 5,62.

Kragujevac (Central Serbia): United regions of Serbia is the winner with 37,28%, Serbian Progressive party 18,13% Democratic party: 12,68% Socialist party of Serbia: 9,99%, Liberal Democratic party (Turnover): 5,59, Democratic party of Serbia: 5,28, Dveri and Serbian Radical party are out.

Krusevac (Central Serbia): Local Association of citizens Dr Katancevic for Changes: 22,84%, Serbian progressive party: 21,81% Socialist party of Serbia: 16,82% Democratic party: 14,46% Democratic party of Serbia: 7,07%.

Uzice (Central Serbia) –number of seats: Democratic party 21 seats, Serbian progressive party coalition 15, Socialist party of Serbia 10 seats, United regions of Serbia 7seats Association of citizens 7 seats, Liberal democrats (Turnover) 4 seats, Dveri 3 seats.

Kraljevo (Central Serbia): Serbian Progressive Party: 16% Democratic party: 13%, Socialist party of Serbia: 11% Dveri 7%, United regions of Serbia (URS) 6%, Liberal Democrats (Turnover): 5%.

Vranje (South Serbia) – no complete results: Socialist party of Serbia coalition 25,63%, Democratic party coalition 18,1%, Serbian Progressive party 17,54%, United regions of Serbia 14,52%.

Leskovac²⁷ (South Serbia): Democratic party 21,32% Serbian Progressive party 20,18%, Socialist party of Serbia 14,33%, Socialist party of Serbia 14,33%, United regions of Serbia 13,91%, United Serbia 4,99% New Serbia 8,15%, democratic party of Serbia 5,33%.

Novi Pazar (Sandzak): Democratic party coalition led by Rasim Ljajic: 32,66% SDA Sulejman Ugljanin 26,31% „All together“ coalition which includes mufti Zukorlic party) 19,88% , United regions of Serbia: 7,66%, Serbian progressive party: 5,42%.

South Serbia (3 cities with Albanian majority) – number of seats:

²⁶ Due to a number of mistakes/omissions during the voting process, elections were repeated for a number of polling stations.

²⁷ Due to a number of mistakes/omissions during the voting process, elections were repeated for a number of polling stations.

Bujanovac: Democratic party of Nagip Arifi 12 seats, Party for democratic action of Saip Kamberi 9 seats, Movement for democratic progress of Jonzu Musliu 6 seats Democratic union of Albanians – Mejdi Zeciri, Association of citizens Stojanca Arsic (Serbian party) 5 seats Coalition Democratic party – socialist party of Serbia 4 seats, Serbian Progressive party 2 seats.

Presevo: Democratic party of Albanians of Ragmi Mustafa 17 seats (40,7%), Party for democratic action of Riza Halimi 17 seats (23,9%), Democratic union of Albanians of Rahmi Zuljifiju 7 seats, Democratic party of Ramiz Ljatifi 3 seats and Democratic Union of Presevo valley of Skender Destani 2 seats. Serbian parties will not have their representatives in the local Council.

Medvedja: the local elections have been cancelled due to serious disagreements between the members of the Municipal electoral commission. They were rescheduled for 24 of June.

Regional elections in Vojvodina (two round system, total number of deputies: 120). Results from the first round according to the proportional system:

Democratic party – 23.4%
Serbian Progressive party – 19.7%
League of Social Democrats – 12.9%
Socialist party of Serbia – 12.4%
Alliance of Hungarians of Vojvodina – 6.8%
Serbian Radical Party – 6.7%
Democratic party of Serbia – 6.4%
Vojvodina movement - 5.4%
Dveri – 5.1%

The second round according to the majoritarian system was held on 20 of May.
