

43rd Session, Strasbourg, 25-27 October 2022

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Report on the observation of local by-elections in Belgrade and several other municipalities in Serbia (3 April 2022)

Strasbourg, France, 26 October 2022

Dear colleagues,

On 3 April this year the Serbian voters went to the polls to elect their local government representatives in partial municipal elections in thirteen municipalities, including the capital city of Belgrade. These local elections were held concurrently with elections on the national level for the President and the Parliament of Serbia. Therefore, colleagues from the Parliamentary Assembly of the Council of Europe, the European Parliament and from the OSCE were also present in the country to observe the general elections.

I was delighted to be the Head of the Congress delegation that visited Serbia on this occasion from 31 March to 5 April 2022. The delegation comprised 15 members who observed the elections in five municipalities. All in all, we visited around hundred polling stations in selected municipalities across the country, from the opening until the closing and counting.

It is also important to know that for the Congress – after a longer period of elections observed in the remote or hybrid format due to the Covid-pandemic – this was the first fully-fledged onsite observation mission in 2022 and I can say that everybody was very pleased to have the opportunity again to talk to stakeholders directly and feel the pulse of local democracy in real time, not only virtually and I wish to thank all of those we met for their open and constructive dialogue.

Prior to the Election Day, we had two days of preparatory meetings in Belgrade with various interlocutors, including representatives from the Ministry of Public Administration and Local Self-Government, the Republic Electoral Commission of Serbia and the Standing Conference of Towns and Municipalities. We also met representatives of the diplomatic corps based in Belgrade and of NGOs as well as the media. Finally, we held meetings with representatives of political parties running in elections to the Belgrade Assembly.

What we saw was an overall calm Election Day with the polling procedures conducted by members of the polling boards mostly in accordance with a legal framework which is considered as generally in line with international standards. However, we also observed some procedural inconsistencies and irregularities in the election procedures such as the sealing of the ballot boxes. This could be easily avoided by systematic or even mandatory training of the poll workers on newly introduced electoral legislation. It would be beneficial to the further professionalisation of the staff working at polling stations.

Secrecy of the vote in the polling stations and access of the polling stations for people with disabilities has been and is still a matter of concern. Only a few polling stations visited by our teams were accessible for wheelchair users. The cardboard separations used, as during previous elections, did not really provide for the necessary distancing between the voters and therefore could, and in fact did, compromise the secrecy of the vote.

Moreover, the polling stations were often overcrowded, in particular in urban areas, due to the permanent and extended composition of the polling boards which involved a large number of poll workers. At the same time, the minimum presence of permanent members was not always ensured in the polling stations we visited.

Although we understand that it is a traditional practice in Serbia to hold municipal elections simultaneously with parliamentary and presidential ballots. However, it proved to be administratively challenging and burdensome for the polling station committees and contributed to the overcrowding in front of and inside the polling stations, in particular towards the closing of the places. In a few polling stations, notably in Belgrade, some voters, although queuing before closing time, were not allowed to vote.

Therefore, we believe that the conduct of concurrent elections for different levels of government should be avoided in the future, not least because national elections overshadow local issues – as it was unfortunately also the case for the April elections in Serbia.

These are examples of practical problems on the Election Day, but there are other underlying issues of a broader scope. Already during the preparatory meetings with NGOs and media representatives, our delegation was made aware of consistent problems with the voter registers in Serbia. On Election Day, we witnessed ourselves, on several occasions, that voters came into polling stations presenting invitations addressed to already deceased persons. The existence of so-called “phantom voters” on the voters’ lists continues to undermine public trust and confidence in elections and in democracy.

Trust is also the keyword when we talk about the electoral environment which was characterised, in the weeks prior to the E-Day, by allegations of pressure on the opposition and on public employees to cast their ballot in favour of the ruling coalition, by the lack of a level playing field, in particular regarding equal access to the media, and by continued misuse of administrative resources, notably by incumbents. There were also some reports by our interlocutors about accusations of vote-buying.

To my concern, I have to comment also on the post-election situation in Belgrade, where final results were announced by the Belgrade City Commission with a significant delay, after a very tight result between pro-government parties and the opposition. Furthermore, rumours of elections in Belgrade being called again before the end of the year, contributed to stir post-election confusion. This only feeds the concerns of the population and more needs to be done to gain the trust of the people in elections.

The Mayor of Belgrade was finally elected, indirectly by the City Assembly, only in mid-June by a very short majority of councillors in an election boycotted by the opposition. It is Aleksandar SAPIC from the Serbian Progressive Party (SNS) – this means that initial hopes of the opposition for a political game change in the capital city were disappointed.

But let’s get back to the issues to be addressed by the authorities in Serbia, in particular by the Government. The fact that – further to the inter-party dialogue facilitated by the European Parliament last year – the opposition, at all levels of government, participated in the April 3 elections, is a positive sign and makes me confident that Serbia can achieve further progress and greater democracy – the local level is the ideal starting point for doing so.

In this spirit, let me now conclude by some remarks on the Recommendation that you will be asked to adopt after my presentation.

In light of what I have said, the Congress invites the authorities of Serbia, inter alia:

- to step-up the effectiveness of existing legal provisions to prevent misuse of administrative resources and vote-buying;
- to further strengthen the regulatory framework ensuring transparency and accountability of campaign finances;
- to address issues pertaining to breaches of the secrecy of the vote by revising provisions on polling station set-up, such as improving polling booths design. We are well aware that the CEC was expecting OSCE recommendations on their design and we recommend persevering in that regard.
- to consider granting members of the extended composition of polling boards the status of accredited observers and revise provisions to render training on electoral procedures systematic for all members of the election administration;
- to continue efforts to improve the accuracy of voters' lists;
- to fully implement existing media legislation to ensure equal access of all political subjects to the media, and undertake measures to protect freedom of the media and limit the spread of disinformation and hate speech;
- and finally, to improve accessibility of polling stations to support the participation of voters with impaired mobility or other disabilities.

Dear colleagues, in accordance with the Congress rules, the explanatory memorandum of this report has been adopted by the Monitoring Committee held in June in Istanbul. Based on comments received by a member of the Serbian delegation, we corrected some very minor factual mistakes over summer.

Today, it is up to the members of this Chamber to have the final say on this report and its recommendations - and I would like to encourage you to adopt this text.

Thank you all, and I will be happy to take your questions.