



Office for Democratic Institutions and Human Rights

REPUBLIC OF SERBIA

EARLY PARLIAMENTARY ELECTIONS

24 April 2016

OSCE/ODIHR Limited Election Observation Mission
Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the authorities of the Republic of Serbia to observe the 24 April 2016 early parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM). The OSCE/ODIHR LEOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as with national legislation. For election day, the OSCE/ODIHR LEOM joined efforts with a delegation from the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM). Both institutions involved in this IEOM have endorsed the 2005 Declaration of Principles for International Election Observation.

The 24 April 2016 early parliamentary elections offered voters a variety of choices. While the election administration performed its duties efficiently and generally enjoyed the trust of the electoral stakeholders, its handling of post-election complaints and processing of results raised concerns. Fundamental freedoms were respected, but biased media coverage, undue advantage of incumbency and a blurring of distinction between state and party activities unlevelled the playing field for contestants.

The legislation provides an overall sound basis for the conduct of democratic elections in line with OSCE commitments and other international obligations and standards. However, it leaves some issues under-regulated or regulated only by instructions of the Republic Electoral Commission (REC). A number of previous recommendations by the OSCE/ODIHR and the Council of Europe's Venice Commission remain unaddressed. Key shortcomings include unclear rules on candidate registration, insufficient measures against the misuse of administrative resources for campaigning, inadequate regulation of campaign finance, deficiencies and loopholes in dispute resolution, an absence of sanctions for some violations and the lack of provisions on election observation.

Fundamental freedoms were respected and candidates were able to campaign freely. However, representatives of the ruling Serbian Progressive Party and, to a lesser extent, the Socialist Party of Serbia increased their participation at official events during the electoral campaign, taking undue advantage of incumbency and blurring the distinction between state and party activities, at odds with OSCE commitments and Council of Europe standards. Widespread reports of the ruling parties exerting pressure on voters, particularly those employed in the public sector, and enticing voters through welfare initiatives raised concerns about the ability of voters to cast their vote freely, as provided for by OSCE commitments. The absence of comprehensive campaign regulations and of a competent campaign monitoring body potentially left irregularities unaddressed.

The elections were administered by a two-tiered election administration, consisting of the REC and 8,377 Polling Boards (PBs). The REC met all legal deadlines, operated in an efficient and transparent manner and adopted detailed instructions for these elections, including guidelines for PBs. However, training sessions for PBs lacked uniformity and were only available to chairpersons and their deputies. While most OSCE/ODIHR LEOM interlocutors expressed confidence in the REC's work before election day, some raised concerns regarding its processing of results and handling of post-election

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

complaints. Voters could have benefited from a broader education campaign, especially with regard to voting procedures and the secrecy of the vote. The law does not provide for safekeeping measures of electoral materials before or after election day.

Voter lists were updated through the Unified Voter Register on the basis of municipalities' records, inputs provided by state institutions, and voters' requests. Although voters could review their data and request corrections, voter lists were not displayed for public scrutiny. This lack of transparency of the voter registration process negatively affected public confidence in the accuracy of the lists and is not in line with international good practice.

The REC registered 20 candidate lists nominated by political parties, coalitions of parties and groups of citizens in an inclusive manner. This provided voters with a range of political choices. However, some submitters of lists took advantage of the lack of clear criteria in the law to apply for national minority status solely to obtain the related privileges. In total, eight national minority candidate lists contested the elections independently, while another national minority party ran as part of coalition lists with non-minority parties. Unclear rules for signature verification and insufficient transparency of this process led to a perception of arbitrariness in candidate registration. The deadline for candidate registration is 10 days before election day, which puts at risk the timely printing of ballots and raises concerns about the ability to effectively resolve potential complaints.

In 2014, amendments introduced to the Law on Financing Political Activities reduced public funding for parties' regular activities and campaigning, in line with an OSCE/ODIHR and Venice Commission recommendation. However, a number of other recommendations on campaign finance have yet to be taken into account. Overall, the regulatory system does not ensure transparency, integrity and accountability of campaign finances. The significantly greater financial capabilities of the ruling parties compared to other contestants undermined the equality of opportunity.

Public media provided equal airtime to contestants to present their platforms, in compliance with legal obligations. However, the government and the ruling party activities dominated campaign coverage in the news and current affairs programmes. The analytical and critical reporting on the influential nationwide television channels was narrow, partly due to widespread self-censorship resulting from political influence over the media sector. In the absence of an effective mechanism for monitoring media conduct during the campaign, media bias, instances of a smear campaign, and cases of infringement of media freedom were not addressed.

Some 35 complaints and appeals were filed on the registration of 11 candidate lists before election day, while over 60 complaints requesting the annulment of results and calling for repeat voting were filed after election day. The 24-hour deadline for complaints does not provide sufficient time for seeking legal redress. The OSCE/ODIHR LEOM was not made aware of official complaints with regard to the alleged misuse of administrative resources and pressure on voters, but received reports of a perceived fear of retribution for filing complaints as well as a general lack of trust in the effectiveness of the judiciary and investigatory bodies. While the law stipulates that the REC may annul voting in a polling station (PS) and order repeat voting, the REC's authority is limited by a Supreme Court ruling that stipulates that it may not act upon irregularities *ex officio*, including annulling voting and ordering repeat elections, which is not in line with good practice. Overall, the dispute resolution mechanism does not provide effective legal redress.

The law establishes a gender quota for candidate lists with at least every third candidate being from the less represented gender. One candidate list had a woman as its first candidate. Of 75 permanent and extended members of the REC, 20 were women. Women were generally underrepresented in the rallies observed by the OSCE/ODIHR LEOM, and contestants generally did not address issues

specifically affecting women in their programmes. The combined coverage of female political actors in most monitored media did not exceed 10 per cent, although it was notably higher on certain outlets.

Despite previous OSCE/ODIHR recommendations, the legal framework does not provide for observation by citizen and international organizations, and the issue is regulated by REC instructions. The REC accredited 196 international observers and 1,689 citizen observers in an inclusive process.

In accordance with standard practice for LEOMs, the OSCE/ODIHR LEOM did not observe election day proceedings in a systematic or comprehensive manner. In the limited number of PSs visited by international observers, election day procedures were generally conducted efficiently and in accordance with the law. However, the design of voting screens and layout of PSs did not ensure the secrecy of the vote. During counting, a number of PB members were unfamiliar with procedures for the reconciliation between the number of signatures on the voter list and number of cast ballots.

Overall, the law does not prescribe a transparent and accountable tabulation process. The REC used its wide discretionary powers in an inconsistent and arbitrary manner to address inaccuracies in 164 results protocols. Although the decisions were taken in an open and inclusive manner, this process is not prescribed by the law and resulted in a number of voters being disenfranchised. While this led to protests and to opposition parties disputing the integrity of the electoral process and the accuracy of the election results, no appeals were filed against any of these REC decisions. The REC annulled the results and ordered to repeat voting in 15 PSs. Repeat voting was conducted on 4 May and the REC pronounced the final results on 5 May.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the authorities of the Republic of Serbia and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an LEOM on 18 March to observe the 24 April 2016 early parliamentary elections. The LEOM was headed by Ambassador Geert-Hinrich Ahrens and consisted of 10 experts based in Belgrade and 12 long-term observers (LTOs) who were deployed on 25 March to 6 locations throughout the country. Mission members were drawn from 18 OSCE participating States. Local elections and provincial elections in Vojvodina were held concurrently with the parliamentary elections and were observed by the OSCE/ODIHR LEOM only to the extent that they impacted on the conduct of the parliamentary elections.

In line with the OSCE/ODIHR's standard methodology for LEOMs, the mission did not carry out comprehensive or systematic observation of election-day proceedings. However, mission members visited a limited number of polling stations (PSs) and followed the tabulation of results at the Republic Electoral Commission (REC). The mission followed electoral proceedings on 24 April jointly with a delegation from the Parliamentary Assembly of the Council of Europe (PACE). Volodymyr Arieiev headed the PACE delegation. The OSCE/ODIHR LEOM remained in Serbia until 7 May and followed post-election developments.

The OSCE/ODIHR LEOM assessed compliance of the electoral process with OSCE commitments and Council of Europe standards for democratic elections, as well as Serbia's international obligations and domestic legislation. This final report follows the Statement of Preliminary Findings and Conclusions, which was released on 25 April.²

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

The OSCE/ODIHR LEOM wishes to thank the authorities of the Republic of Serbia for the invitation to observe the elections, and the Ministry of Foreign Affairs, the REC, local authorities, as well as political parties, candidates, and civil society organizations for their co-operation. The mission also wishes to express appreciation to the OSCE Mission to Serbia and to diplomatic representations of OSCE participating States and international organizations for their co-operation throughout the course of the mission.

III. BACKGROUND

On 4 March, President Tomislav Nikolić acceded to the government's request to dissolve the National Assembly (parliament) and called early elections for 24 April. These were the third parliamentary elections in four years and the second consecutive elections to be called before the end of the parliament's mandate.³ While the government justified this move by the need to renew its mandate to complete reforms and allow the country to be ready to join the European Union (EU), a number of OSCE/ODIHR LEOM interlocutors claimed that it had been timed conveniently for the ruling coalition to consolidate its power at the national, provincial and local levels.

Following the 2014 early parliamentary elections, the Serbian Progressive Party (SNS) and its coalition partners won an overall majority in the parliament. Subsequently, the SNS formed a wider coalition government, which included the Socialist Party of Serbia (SPS). The OSCE/ODIHR LEOM for the 2014 early parliamentary elections concluded that the elections "offered voters a genuine choice. Although fundamental freedoms were respected throughout the campaign, credible reports about cases of intimidation of voters overshadowed the campaign environment. [...] There was a lack of critical and analytical reporting on the campaign in the media. Existing pluralism of opinion and independence of journalists were jeopardized by the influence exerted on media by the political parties in power."

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Elections are regulated primarily by the 2006 Constitution, the 2000 Law on Election of Representatives (LER), the 2009 Law on the Unified Voters' Register (LUVR), the 2009 Law on Political Parties (LPP) and the 2011 Law on Financing Political Activities (LFPA).⁴ The legal framework is supplemented by the Republic Electoral Commission (REC) Rules of Procedure from 2012, as well as its instructions and decisions. In addition, in January 2016, a new Law on Public Gatherings was adopted and is applicable to campaign events.⁵

With the exception of the LFPA that was amended in 2014, the election-related legislation was last changed in 2011. It provides an overall sound basis for the conduct of democratic elections in line with OSCE commitments and other international obligations and standards. However, the LER is not sufficiently comprehensive and leaves some issues under-regulated or regulated only by REC

³ Paragraph I.6.57 of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) (Code of Good Practice) notes that general elections be held at four- or five-yearly intervals.

⁴ Relevant provisions are also included in the 2005 Criminal Code, the laws on the Anti-Corruption Agency (LACA), on Administrative Disputes, on Free Access to Information of Public Importance, on Personal Data Protection, on Administrative Proceedings and on Criminal Proceedings.

⁵ The law requires the local administration to publish a list of places where gatherings are not allowed and prescribes a five-day advance notification period as well as legal remedies.

instructions.⁶ In addition, a number of previous OSCE/ODHR and Venice Commission recommendations remain unaddressed. Key shortcomings include unclear rules on candidate registration, insufficient measures against the misuse of administrative resources for campaigning, inadequate regulation of campaign finance, deficiencies and loopholes in dispute resolution, an absence of sanctions for some violations and the lack of provisions on election observation.⁷

The electoral legislation would benefit from a comprehensive review to address legal loopholes and unclear provisions. To ensure legal certainty, substantial regulations should be included primarily in the law, while only those related to technical matters and details should be included in REC instructions.

The 250 members of the parliament are elected for four-year terms from a single nationwide constituency through a closed-list, proportional system. Mandates are distributed among candidate lists that receive more than five per cent of the votes cast. Lists representing national minorities are exempted from this threshold requirement.

V. ELECTION ADMINISTRATION

The elections were administered by a two-tiered election administration, consisting of the REC and 8,377 Polling Boards (PBs).⁸ In all municipalities, the REC established 166 *ad hoc* Working Bodies (WBs) tasked with technical and logistical support for the elections.⁹

The REC is a permanent body comprised of a chairperson, a deputy chairperson, and 16 permanent members and their deputies, all appointed by the parliament for a four-year term in May 2014.¹⁰ The REC also includes two non-voting members – a secretary and a representative of the National Statistical Office. For the period of the elections, each contestant appointed an extended member and a deputy to the REC.¹¹ Upon completion of the registration of candidate lists, the REC was composed of 75 members and deputies, including 20 women. The REC did not maintain gender-disaggregated data on the composition of the PBs.

The REC met all legal deadlines and operated efficiently and transparently overall. REC sessions were open to accredited observers and the media. In most cases, REC members and observers were provided with the agenda and other materials before the sessions, with the notable exception of materials and draft decisions on post-election complaints. All REC decisions were adopted in a collegial manner, following open discussions. Minutes from sessions and most decisions were published on the REC website.¹² Most OSCE/ODIHR LEOM interlocutors expressed confidence in the REC's work before election day. However, some concerns were raised regarding the REC's handling of post-election complaints and the processing of results.¹³

⁶ According to paragraph II.2.a of the Code of Good Practice, “rules of electoral law must have at least the rank of a statute.”

⁷ Only one provision relates to the use of administrative resources in the LACA (Article 29) and no provisions in the LER. See also Paragraph II.B.1.3 of the 2016 OSCE/ODIHR and Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

⁸ This included 29 PBs set up in penitentiary institutions and 37 PBs established in 22 countries abroad.

⁹ Members of the WBs were nominated by parliamentary parties and appointed by the REC.

¹⁰ The REC Chairperson and some other REC members resigned in 2014, but their resignations were not accepted by the parliament until 3 March 2016. They were all re-appointed by the parliament on that same day. In addition, one REC member resigned in March 2016 to stand as a candidate.

¹¹ Members of the extended composition have the same rights and duties as permanent members.

¹² Although minutes included information on complaints, the REC did not publish the decisions.

¹³ See *Post-Election Developments Section*.

The REC commissioned voter education materials on election day procedures, including with sign language, which were broadcast through the public media. However, voters could have benefited from a broader education campaign through various television channels and printed materials, especially with regard to the voting procedures and the importance of the secrecy of the vote.¹⁴

To ensure that voters are fully informed of their rights and responsibilities, the REC could intensify its efforts and undertake comprehensive voter education activities sufficiently in advance of the elections.

PBs included a chairperson and two members, as well as their deputies, all nominated by parliamentary groups. Any registered contestant for the parliamentary and/or local elections, including those already represented in the permanent composition of PBs, had the right to nominate a member and a deputy to the extended composition of the PBs.¹⁵

Although the REC adopted detailed instructions for these elections, including guidelines for PBs for the concurrent conduct of parliamentary and local elections, the OSCE/ODIHR LEOM noted that training sessions organized by the local authorities and WBs lacked uniformity and were only made available to the chairpersons and their deputies.¹⁶

Consideration could be given to conducting standardized training on electoral procedures for all PB members.

VI. VOTER REGISTRATION

The right to vote is granted to all citizens who reach 18 years of age by election day and have permanent residence in Serbia. The LER establishes that those declared legally incapacitated by a court decision are automatically ineligible to vote. This blanket provision poses a disproportionate restriction that is at odds with OSCE commitments and international standards.¹⁷

The blanket restriction on suffrage rights of persons declared mentally incompetent should be removed or decided on a case-by-case basis by the court, depending on specific circumstances.

Voter registration is passive. The Unified Voter Register (UVR) is maintained by the Ministry of Public Administration and Local Self-Government (MPA) and updated continuously based on municipalities' records, inputs provided by state institutions, and voters' requests.

¹⁴ See *Election Day Section*. Public authorities should “initiate or facilitate national programmes of civic education, to ensure that the population is familiar with election procedures and issues.” See paragraph 4 (1) of the Inter-Parliamentary Union’s [Declaration on Criteria for Free and Fair Elections](#).

¹⁵ Interlocutors complained to the OSCE/ODIHR LEOM that pursuant to a REC Instruction, PBs in Kosovo did not have extended compositions.

¹⁶ Paragraph II.3.1.g of the Code of Good Practice recommends that “members of electoral commissions must receive standard training”.

¹⁷ Article 29 of the 2006 Convention on the Rights of Persons with Disabilities requires states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will guarantee universal and equal suffrage to adult citizens and paragraph 24 provides that restrictions on rights and freedoms must be strictly proportionate to the aim of the law. See also Paragraph 14 of the 1996 United Nations Human Rights Council (UNHRC) General Comment No. 25 to the International Covenant on Civil and Political Rights (ICCPR) and the judgment of the European Court of Human Rights, *Alajos Kiss v. Hungary*.

Voters were entitled to request inclusion in a voter list at their place of temporary residence or abroad, in which case they were excluded from the lists where they permanently reside. Special voter lists were compiled for military voters, as well as voters in prisons and detention facilities, based on information provided by the respective institutions. Local authorities provided adequate voter information on procedures for updating voter lists. In areas observed by the OSCE/ODIHR LEOM, voters had the possibility to verify their data in their municipalities and on the MPA website, and to request corrections. After submitting a request to vote at a place of temporary residence, a voter could no longer verify their updated records online.

Despite previous OSCE/ODIHR recommendations, voter lists were not displayed for public scrutiny. Although the law provides for lists to be disclosed at the municipal level, the MPA issued an instruction that allowed only individual checking of records using one's personal identification number. This lack of public scrutiny limited the transparency of the voter registration process and amplified concerns about the overall accuracy of the voter register.¹⁸ In the lead-up to election day, some voter invitations were reportedly issued with wrong information.¹⁹ The MPA informed the OSCE/ODIHR LEOM that no formal complaints were submitted, but it received a number of inquiries from voters on election day claiming that they were on the UVR, but not on the voter lists.²⁰ The final total number of voters announced by the REC on 22 April was 6,739,441 and the law does not allow adding voters to the lists after this date.

To increase transparency and contribute to trust in the accuracy of voter lists, consideration could be given to displaying preliminary voter lists for public scrutiny in line with the law and international good practice.

VII. CANDIDATE REGISTRATION

Any eligible voter can stand for the elections. Candidate lists can be submitted by political parties, coalitions of parties, as well as groups of at least 10 citizens. Despite previous recommendations by the OSCE/ODIHR and Venice Commission, the LER does not provide for individual independent candidates to contest parliamentary elections, which is contrary to OSCE commitments.²¹

Legislation should be amended to give an opportunity to individual citizens to stand as independent candidates.

Candidate lists were to be supported by at least 10,000 signatures of voters, whereby each voter could support only one list.²² This limitation can be seen as restricting political pluralism and could potentially stigmatize supporters of prospective candidates.²³

¹⁸ Paragraph I.1.2.iii of the Code of Good Practice provides that "electoral registers must be published."

¹⁹ OSCE/ODIHR LEOM interlocutors noted instances of invitations either issued to deceased voters or sent to the wrong addresses.

²⁰ The MPA explained to the OSCE/ODIHR LEOM that this was due to voters not checking their data before election day and, as a result, going to the wrong PS.

²¹ Paragraph 7.5 of the 1990 OSCE Copenhagen Document commits participating States to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."

²² The REC kept only those certified signatures of voters that were submitted for the candidate list the voters supported first.

²³ Paragraph 77 of the [2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

To make the candidate registration process more inclusive, the restriction that voters may support only one candidate list could be reconsidered.

All signatures had to be certified by municipal courts or notarized. A fee of RSD 50 per signature was to be paid by the submitter at the time of certification.²⁴ While most OSCE/ODIHR LEOM interlocutors considered the signature threshold as a way to exclude frivolous candidatures, some expressed concerns that the procedure was overly burdensome and the need to visit a municipal court or notary office might have a dissuasive effect on some voters.²⁵

The verification of supporting signatures was primarily conducted by REC staff, and the MPA electronically cross-checked signatures against the UVR. While some REC members and observers used the possibility to attend the verification of signatures, cross-checking at the MPA could not be observed. The REC lacked sufficient resources and legal guidelines for the process and stated that it would conduct a comprehensive review only after the elections. Nevertheless, the REC reported to the police and the Prosecutor's office the potential forgery of a large number of supporting signatures for at least six prospective contestants.²⁶ Unclear rules for signature verification and insufficient transparency of this process are at odds with international standards and good practice as not ensuring transparency and legal certainty and led to a perception of arbitrariness in candidate registration.²⁷

Altogether, the REC registered candidate lists of eight parties, six coalitions, and six groups of citizens in an inclusive manner. While this provided voters with a range of political choices, the registration process was negatively affected by the lack of clarity in the legal provisions for the registration of national minority lists.²⁸ Six candidate lists were rejected due to an insufficient number of valid supporting signatures.²⁹ One candidate list was deregistered on 29 March following an Administrative Court decision.³⁰ The LER authorizes the REC to decide whether the submitter of a candidate list qualifies for the status of a national minority party or coalition. Out of 17 lists that applied for national minority status, 8 acquired it.

Rules on candidate registration, including procedures for the verification of supporting signatures, should be clarified to ensure transparency at all stages, consistency and legal certainty.

The LER establishes a gender quota for candidate lists with at least every third candidate being from the less represented gender. One candidate list had a woman as its first candidate. While a candidate list may be withdrawn no later than 10 days before election day, the withdrawal of candidates from registered lists is not regulated by the legal framework. Consequently, the REC denied the withdrawal of a Dveri – Democratic Party of Serbia (DSS) candidate.

²⁴ 1 EUR is approximately 123 Serbian Dinars (RSD).

²⁵ OSCE/ODIHR LEOM interlocutors claimed that notary offices, at times, limited the number of certifications to 200-250 per day or refused to certify signatures during their working hours. According to the REC, some notarized signature lists were missing voter signatures.

²⁶ United Russian Party, Republican Party, Hungarian Movement - For Change, This is Us – Natural Movement, The Tolerance, and the Male and Female Citizens of Serbia – Roma Party and Bunjevci Citizens Coalition. All of these cases were pending as of election day.

²⁷ See paragraphs 7.3, 7.5 and 7.6 of the OSCE 1990 Copenhagen Document, as well as paragraph I.1.3.iii of the Code of Good Practice.

²⁸ See sections on *Participation of National Minorities* and *Complaints and Appeals*.

²⁹ The Coalition Democratic Movement of Romanians and Party of Russians, Danica Grujičić – Vlach Party, Hungarian Movement – For Changes, Male and Female Citizens of Serbia – Coalition Roma Party and Bunjevci Citizens of Serbia, This is us – Natural Movement, and the Tolerance.

³⁰ See *Complaints and Appeals Section*.

The LER should include provisions regarding the deadlines and conditions for the withdrawal of registered candidates.

The order of candidate lists and the respective number on the ballots were defined according to their registration sequence. While this did not prevent some prospective contestants from beginning campaigning well before they were registered, others complained to the OSCE/ODIHR LEOM that their right to campaign was limited.³¹ The deadline for candidate registration is 10 days before election day, which, together with the potential complaints and appeals process pertaining to candidate registration, puts at risk the timely printing of ballots and raises concerns about the ability to effectively resolve potential complaints.³²

Deadlines for candidate registration could be reconsidered to allow for more thorough verification of registration documents, to ensure an effective redress in case of appeals and to provide sufficient time for ballot printing.

VIII. CAMPAIGN ENVIRONMENT

The official election campaign period started on 4 March and ended 48 hours before election day. Freedoms of expression, movement, and assembly were respected and candidates were able to campaign freely. Campaigning was slow to start due to an emergency flood response in parts of the country, and effectively began during the week of 21 March. It was dominated by the SNS-led coalition “Serbia Wins”. Other visible contestants included the “Fair for Serbia” coalition led by the Democratic Party (DS), the SPS-led coalition, the Serbian Radical Party (SRS), and the “Alliance for a Better Serbia” coalition composed of the Liberal Democratic Party of Serbia (LDP), the League of Social Democrats of Vojvodina (LSV) and the Social Democratic Party (SDS)³³.

Most parties conducted their campaigns through rallies and outdoor campaign material. Opposition parties complained to the OSCE/ODIHR LEOM that, due to a lack of financial resources, their ability to purchase campaign advertising on billboards or in print and electronic media was limited. In contrast, billboards and posters promoting the SNS were prevalent, and the party had a dominant presence in electronic media advertising. Furthermore, the lack of campaign expenditure limits placed parties with limited financial resources at a distinct disadvantage.

In addition, both the SNS and, to a lesser extent, SPS used official events, such as visits to schools, the inauguration of public institutions and the opening of private factories to promote their campaign messages.³⁴ In addition, a number of OSCE/ODIHR LEOM interlocutors opined that the ruling parties misused state and public resources.³⁵ This amounted to taking undue advantage of incumbency,

³¹ The Enough is Enough movement started campaigning on 29 March, while it completed its registration process on 9 April. The Party for Democratic Action (PDD) – Ardita Sinani reported that due to appeals filed by prospective contestants who had submitted their application for registration before the PDD, they had to wait until after 13 April to be assigned a list number and to print campaign materials.

³² The last candidate list was registered by the REC on 13 April, and ballot printing began on 15 April.

³³ The SPS led coalition “Ivica Dačić – SPS – JS – Dragan Marković Palma”

³⁴ The media reported that in March, the Prime Minister visited 25 schools as well as 2 medical facilities. OSCE/ODIHR LEOM observers noted that in April, the Prime Minister attended the opening of factories and infrastructure projects in Vojvodina, and that the SNS was actively campaigning (distributing leaflets) during the Interior and Defense Ministers’ official visits to Kragujevac. OSCE/ODIHR LEOM observers also reported that the Foreign Minister attended a rally that coincided with the opening of a pedestrian area in Vranje.

³⁵ Such allegations included the use of public premises and vehicles for campaign events (Novi Pazar), hosting an SNS call centre on municipal premises (Zemun), and advertising the SNS administration achievements on billboard space purchased by the municipal administration (Prokuplje). Settlements of unpaid salaries in the

blurring the distinction between state and party activities, at odds with OSCE commitments and Council of Europe standards.³⁶ The SNS and the Alliance of Vojvodina Hungarians enjoyed the support of foreign dignitaries.³⁷

Where parliamentary elections took place in parallel with provincial or local elections, campaigning for the various elections was combined, with the ruling parties at all three levels focusing on their policy achievements. Economic and social topics were at the centre of all contestants' campaigns. There was a division between those contestants supporting EU accession and those calling for closer co-operation with the Russian Federation. In general, campaigns and the platforms of candidates did not include issues specifically affecting women.

The campaign atmosphere was calm, with only a few isolated cases of violence.³⁸ Opposition parties tended to use negative campaigning directed at the ruling parties rather than focusing on their own programmes. Throughout the country, the OSCE/ODIHR LEOM received widespread reports of alleged abuse by the ruling parties of their dominant position at both national and local levels with the aim to exert pressure on voters, particularly those employed in the public sector.³⁹ These allegations raised concerns about voters' ability to cast their vote "free of fear of retribution," as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document. There were also attempts to entice voters through welfare initiatives.⁴⁰

The LER stipulates that a Supervisory Board (SB) should be formed to monitor election-related activities of political parties, candidates and mass media and to identify irregularities; however, the SB was not formed for these elections.⁴¹ The absence of comprehensive campaign regulations and campaign monitoring potentially left irregularities unaddressed and impacted on the effectiveness of dispute resolution.

To promote a level playing field among contestants and ensure the separation of state and party interests, consideration should be given to introducing campaign regulations including on preventing the misuse of administrative resources and abuse of office. Compliance should be monitored by a competent and independent body and violations should be punished with proportionate and dissuasive sanctions.

public sector and reimbursement of excess kindergarten fees in Kragujevac also appear to have been used to promote the SNS campaign.

³⁶ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for "a clear separation between State and political parties." Paragraph I.2.3 of the Code of Good Practice states that "Equality of opportunity must be guaranteed for parties and candidates alike. This entails a neutral attitude by state authorities, in particular with regard to: i. the election campaign; ii. coverage by the media, in particular by the publicly owned media; iii. public funding of parties and campaigns." See also the 2016 OSCE/ODIHR and Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

³⁷ Hungary's Foreign Minister lent support to both parties at a political rally in Pančevo on 5 April. The Hungarian Prime Minister joined his Serbian counterpart at the opening of a private factory in Subotica on 13 April. The Deputy Speaker of the Russian State Duma was a guest at the SNS final convention in Belgrade on 21 April.

³⁸ The OSCE/ODIHR LEOM was informed of cases involving political activists in Sjenica on 25 March, Zvezdara on 27 March, Mladenovac on 3 April and Kruševac on 7 April.

³⁹ The OSCE/ODIHR LEOM received numerous reports of voters being subjected to direct threats, mostly regarding loss of employment. Pervasive instances of aggressive door-to-door campaigning and phone calls were also reported, as well as reports of pressure on public and private sector employees to attend SNS rallies in Bor and Niš.

⁴⁰ The OSCE/ODIHR LEOM LTOs noted that the SNS used food packages, free health care services, child protection workshops and trips for pensioners to influence voters in the campaign in Kovačica, Šid, Novi Sad, Vršac, Sombor and Šabac. The OSCE/ODIHR LEOM received a number of allegations from across the country that the Roma community was particularly vulnerable to vote-buying.

⁴¹ The SB was appointed only once in 2000.

IX. CAMPAIGN FINANCE

In 2014, amendments introduced to the LFPA reduced public funding for both regular party activities and campaigning, in line with an OSCE/ODIHR and Venice Commission recommendation.⁴² In addition, the amendments introduced a five-day deadline after the call of elections for the Anti-Corruption Agency (ACA) to provide a campaign finance report template, and allowed contestants to use regular public and private funds from past years for campaigning.⁴³ The OSCE/ODIHR and Venice Commission previously recommended establishing an expenditure ceiling, lowering limits of donations, submitting reports before election day, shortening the deadlines for submission of financial reports, and introducing a short deadline for their publication as well as proportionate and dissuasive sanctions.⁴⁴ These recommendations have yet to be taken into account. Overall, the regulatory system does not ensure transparency, integrity and accountability of campaign finances.

Public funding for campaigning totalled RSD 580 million.⁴⁵ On 18 April, 17 out of the 20 contestants received RSD 5.8 million each as a 20 per cent advance payment.⁴⁶ The remaining 80 per cent was allocated after the elections proportionally to the number of seats won. Three contestants that failed to obtain one per cent of the votes (0.2 for minority lists) had to refund the advance payment.⁴⁷ Funding from foreign, state, public and anonymous sources, as well as from non-profit organizations and trade unions is prohibited. The significantly greater financial capabilities of the ruling parties, as compared to other contestants, undermined the equality of opportunity.

By law, annual individual donations to parties can be up to 20 average monthly salaries, whereas a legal entity may donate up to ten times this amount.⁴⁸ The donation limits are doubled in an election year, regardless of the number of electoral contests. There is no spending limit. All income and expenditures of contestants have to be incurred through dedicated bank accounts. Donations must be made by bank transfer. Only five contestants published information on donations on their websites, as required by law.⁴⁹

The ACA is mandated with the oversight of political finance and misuse of administrative resources. In addition, the State Audit Institution (SAI) is mandated with auditing the public funds of parties.⁵⁰ Contestants are obliged to submit certified financial reports to the ACA annually and within 30 days after the announcement of the final elections results. There is no deadline for the ACA to publish the financial reports and no obligation to publish any conclusions. The absence of financial reports before

⁴² Annual public funding was reduced from 0.15 per cent of the budgetary expenditure to 0.105 per cent of tax revenues, and campaign funding from 0.1 per cent of the budgetary expenditure to 0.07 per cent of tax revenues.

⁴³ Six contestants with representatives in the parliament were able to avail of this measure. Out of RSD 764 million (approximately EUR 6.2 million) provided in 2015, the SNS received RSD 435 million, SPS – 137 million, DS – 73 million, SDS – 70 million, SVM – 27 million, SDA – 12.5 million, PDD – 8.7 million.

⁴⁴ See the 2014 [OSCE/ODIHR and Venice Commission Joint Opinion on Draft Amendments to the LFPA \(Joint Opinion\)](#).

⁴⁵ Equivalent to some EUR 4.7 million.

⁴⁶ Approximately EUR 47,200. Recipients had to deposit a guarantee of equal value and three contestants were refused disbursement of an advance for not submitting a deposit.

⁴⁷ Namely In Spite – United for Serbia, Dialogue – Youth with an Opinion, Borko Stefanović – Serbia for Us All.

⁴⁸ This represents respectively RSD 887,200 (some EUR 7,220) and RSD 8,872,000 (some EUR 72,200).

⁴⁹ The DS, SDS – LDP, SNS, SPS, and SRS.

⁵⁰ The SAI is not obligated to audit all parties regularly, but has discretionary power to select which parties to audit, based on criteria prescribed by its Rules of Procedure. To date, the SAI has audited three parties for their 2014 finances (the DS, SNS, and SPS) and cases are pending in court against the DS and SPS.

election day limited voters' ability to make a fully informed choice.⁵¹ The ACA may request information from political entities, banks and other stakeholders and can issue warnings, initiate misdemeanour or criminal proceedings for possible violations. However, concerns were noted that the fines are neither dissuasive nor proportionate.⁵² The ACA deployed 135 observers across the country to collect data on compliance with the legislation on campaign finance. In practice, the ACA can initiate misdemeanour proceedings for possible campaign finance irregularities after the submission of financial reports. In addition, the court process is often unduly slow.

To enhance the transparency of campaign finances, previous OSCE/ODIHR and Venice Commission recommendations should be addressed, including introducing an expenditure ceiling, a requirement to submit interim financial reports as well as the timely publishing of the financial reports and ACA conclusions. The law should prescribe proportionate and dissuasive sanctions, and irregularities should be sanctioned.

X. MEDIA

A. MEDIA ENVIRONMENT

The media landscape comprises numerous media outlets, including over 430 television and radio channels as well as over 700 print media operating on a relatively small and stagnating advertising market. In 2015, almost two-thirds of households had access to the Internet. Yet, television remains the most influential media, and a primary source of information for over 60 per cent of the population, followed by Internet and daily newspapers. There are two public service broadcasters (PSB) – the national *Radio Television of Serbia (RTS)* and the provincial *Radio Television of Vojvodina (RTV)*; both run influential news programmes. The most popular private media are the TV channels with national coverage – Pink, Prva, Happy and B92; while *Blic*, *Informer* and *Kurir*, all tabloids, dominate among daily newspapers.

Despite the large number of outlets, the analytical and current affairs programming offered in the main nationwide TV channels, except for the public ones, is narrow. Many OSCE/ODIHR LEOM interlocutors attributed the trend of tabloidization and overall lack of critical analyses in the media to widespread self-censorship resulting from political influence through the allocation of advertising or tax relief, or initiating tax inspections.⁵³ Overall, these factors could curtail the voters' ability to make an informed opinion of the contestants and their platforms. In its reports, the Anti-Corruption Council (ACC), a government advisory body, highlighted that “the media in Serbia do not control the authorities and their results; on the contrary, the media are in fact controlled by the government” and “independent media are virtually non-existent.”⁵⁴

Reform of the media legislation in 2014 aimed to improve the media environment, but its effects remain limited due to deficiencies in implementation.⁵⁵ Most OSCE/ODIHR LEOM interlocutors

⁵¹ Article 7.3 of the 2003 United Nations Convention against Corruption provides that states should “consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties”.

⁵² Sanctions include warnings, suspension of public funding, fines from RSD 200,000 up to RSD 2 million (EUR 1,630 up to 16,300), confiscation of funds and imprisonment.

⁵³ The Anti-Corruption Council described these mechanisms in its 2015 reports. See [Report on Ownership Structure and Control over Media in Serbia](#) and [Report on the Possible Impact of Public Sector Institutions on Media, through Financing of Advertising and Marketing Services](#).

⁵⁴ *Ibid.*

⁵⁵ The reform included three new laws, namely the Electronic Media Act, the Public Information and Media Act and the Public Service Media Act.

highlighted the need for further improvements in the work of the state-run Media Register with regards to the allocation of public funds to media projects and operations and with the aim to increase transparency of media ownership. Following the privatization of the local public media, the concentration of media ownership and political bias in the media reportedly increased.⁵⁶ The new legislation also re-introduced a model of financing of the PSB through subscription fees starting from 2016; however, the fee is considered by public media to be insufficient to sustain their operations. The remaining funds come directly from the state budget, which may potentially impact public broadcasters' impartiality and independence.

The independence of the public media could be further strengthened by setting up a mechanism that would provide for sufficient funding and reduce their dependency upon the state budget.

Contrary to legal provisions and in spite of interventions by the Commissioner for Information of Public Importance and Personal Data Protection, investigative journalists have reported that access to information from state entities is limited. In an increasing number of cases, these entities chose not to release information, which is not in line with international standards.⁵⁷ Smear campaigns conducted by the newspaper *Informer* against investigative journalists, non-governmental organizations, and public bodies perceived as critical of the government, were intimidating and impacted on their ability to operate.⁵⁸ Other instances of infringement of media freedom that were noted during the campaign period included cases of pressure on journalists and a denial to access press conference.⁵⁹

B. LEGAL AND REGULATORY FRAMEWORK

The LER is the main law regulating the media conduct during election campaigns. It stipulates the basic principles, including an obligation for the public media to ensure equal reporting about all contestants as well as the right for the citizens to be informed by the mass media about the electoral programmes and activities of the contestants. In June 2015, to supplement the legal framework, the broadcast media regulatory body, the Regulatory Authority of Electronic Media (REM), issued the Rulebook on Obligations of Media Service Providers during Election Campaigns (Rulebook). It stipulates that the broadcast media are obliged to provide information about the contestants in a non-discriminatory, true, objective, complete and timely manner, as also required by the 2014 Law on Electronic Media, which is the main law regulating the activities of the broadcasters and the REM in general.

In the absence of the Supervisory Board being formed for the elections, the REM is the main body to oversee the activities of the broadcasters. However, it paid little attention to the conduct of the media during the campaign. The REM received 22 complaints related to media conduct during the election

⁵⁶ Out of 73 media outlets owned by the state or local self-governments, 34 were privatized in 2015, of which 14 were reportedly purchased by associates of the ruling parties. Concerns were raised with regard to financial aid from public sources channelled to the media prior or after privatization. OSCE/ODIHR LEOM interlocutors also raised the issue of the *Tanjug* news agency, which was initially closed down, but continued working without a known source of funding.

⁵⁷ UNHRC General Comment No. 34 to Article 19 of the ICCPR reads that "Article 19, paragraph 2 embraces a right of access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production."

⁵⁸ As an example, in February, the daily newspaper *Informer* launched a campaign against a member of the ACC after the publication of one of the ACC reports; in March, *Informer* targeted a journalist of the Crime and Corruption Reporting Network (KRIK).

⁵⁹ A *Boom 93 Radio* journalist in Požarevac was denied access to a political party's press conference; an *RTV* journalist was reprimanded for asking the Prime Minister a critical question about his political past. The OSCE/ODIHR LEOM also received credible reports of a group of journalists being pressured to write articles supporting a particular political position.

period, half of which were received in the last week of the campaign. While it attempted to address some of the complaints, its efforts remained overall limited. However, in a positive development, and in line with an OSCE/ODIHR recommendation, the REM published on its website the minutes of its sessions as well as some information about campaign-related complaints, although this was not always in a timely and detailed manner.

While the REM informed the OSCE/ODIHR LEOM that it was monitoring the election coverage of national broadcasters, it chose not to release the results of the monitoring during the campaign period in order not to influence the course of the election campaign. The REM also did not appear to use its media monitoring findings to address the complaints related to the media coverage of the national broadcasters, or to initiate *ex officio* actions addressing biased media coverage.

Consideration should be given to clarify the REM's competences in investigating and sanctioning breaches of legislation in a timely manner. In addition, the REM should act upon its own initiative, based on systematic monitoring election coverage and compliance with established regulations.

C. OSCE/ODIHR LEOM MEDIA MONITORING

Most broadcast and print media monitored by the OSCE/ODIHR LEOM focused on the main political contestants; the activities of the government and ruling parties received extensive coverage.⁶⁰ The main TV channels provided information on the contestants' campaign activities primarily in a special section of the news programmes; however, with the exception of the public media, they offered voters few opportunities to learn about the contestants and their platforms. Analytical and critical coverage was overall lacking in the main broadcasters as well as in most print media.

Consideration should be given to regulate media coverage of officials who are also candidates, in order that they do not enjoy an unduly privileged position compared to other contestants.

The public broadcast media, *RTS1* and *RTV1*, complied with their legal obligations to provide contestants with platforms to present their programmes, airing the presentation of contestants in special election programmes. They also organized discussion programmes with representatives of lists likely to be elected, and overall, offered extensive coverage of the contestants. However, as the OSCE/ODIHR LEOM media monitoring showed, government activities dominated in the news of the two public TV channels, receiving some 40 per cent of news coverage, generally in a positive or neutral light.⁶¹ In the news coverage of the contestants by these two channels, the SNS received the largest share, over 15 per cent. Current affairs programmes were more balanced, in particular those on *RTV1*.

All private national TV channels *B92*, *Happy*, *Pink* and *Prva* demonstrated support to the government and/or SNS in their news programmes, in particular *Pink*, which was openly promoting the government while portraying the DS negatively. The preferential treatment was even more pronounced in the other editorial programmes. *B92*, *Pink* and *Prva* each allocated to the government and/or SNS some 90 per cent of the coverage in the programmes outside of the news. *Happy* devoted nearly 47 per cent of such coverage to SNS and over 38 per cent to SPS. The coverage in these programmes increased substantially in the last week of the campaign. Positively, *NI*, a private TV

⁶⁰ From 24 March, the OSCE/ODIHR LEOM monitored primetime broadcasts of public TV channels *RTS1* and *RTV1*, and private TV channels *B92*, *Pink* and *Prva*. Evening news and current affairs programmes of TV channels *Happy* and *NI*, as well as the contents of daily newspapers *Blic*, *Danas*, *Informer*, *Kurir*, *Politika* and *Večernje Novosti* were also monitored.

⁶¹ The main evening news programme of *RTS1* and *RTV1* is identical.

channel available primarily in the major cities, offered extensive and rather diverse and balanced coverage of contestants in its news and current affairs programmes.

Among the monitored newspapers, *Informer* presented contestants from the opposition, DS in particular, in a negative light, while openly promoting the SNS and the government. *Politika* and *Večernje Novosti*, both partially state-owned, leaned towards the government, and a similar tendency was also noted in *Kurir*. Blic presented a somewhat more critical attitude towards the political actors. A more diverse and balanced picture of political subjects was provided by *Danas*, whose circulation figures are significantly smaller than those of the other monitored newspapers. The combined coverage of female political actors in most monitored media did not exceed 10 per cent, with the exception of current affairs programmes of the public broadcasters and *NI*, where it was notably higher.

XI. COMPLAINTS AND APPEALS

The right to seek legal redress is granted to voters, candidates and submitters of candidate lists. Complaints against REC decisions are filed with the REC itself, which raises some concern about a possible conflict of interest. Appeals are filed with the Administrative Court, which has final jurisdiction. A complaint must be filed with the REC within 24 hours of the decision or the irregularity and an appeal must be filed with the Administrative Court within 48 hours of the receipt of the decision. The 24-hour deadline does not provide sufficient time for seeking legal redress in line with international good practice.⁶² The law does not provide for complaints to be filed with the PBs on election day.⁶³ The REC and the Court must decide within 48 hours. If a complaint is upheld, the decision or act is annulled. If a complaint is not reviewed within the legal deadline, it is considered upheld. A public hearing is not mandatory and election-related appeals continue to be heard *in camera*, citing very short deadlines. Overall, the dispute resolution mechanism, as prescribed by the law, does not provide effective legal redress.

The effectiveness and transparency of the dispute resolution process could be improved by introducing a legal requirement for the applicant's right to a hearing involving both parties, publishing information on complaints and decisions in a timely manner, and extending the 24-hour deadline.

No complaints on campaign finance irregularities or the misuse of administrative resources were filed with the ACA. The OSCE/ODIHR LEOM was not made aware of official complaints with regard to the alleged misuse of administrative resources and pressure on voters, but received reports of a perceived fear of retribution for filing complaints as well as a general lack of trust in the effectiveness of the judiciary and investigatory bodies.

Before the elections, some 35 complaints and appeals were filed with the REC, the Administrative and the Constitutional Courts on the registration of 11 candidate lists.⁶⁴ Of these, eight concerned the

⁶² Paragraph II.3.3.g of the Code of Good Practice recommends three to five days each for lodging a complaint and for deciding on it.

⁶³ The REC considers that complaints on voting rights and/or irregularities can be filed until 20:00 the day following election day, i.e. 24 hours from the closing of the PSs. This interpretation does not allow for 24 hours for filing complaints against the counting and the PB Protocols.

⁶⁴ Russian Party-Slobodan Nikolić, Republican Party-Nikola Sandulović, Serbian-Russian Movement-Slobodan Dimitrijević, Green Party, The Coalition Democratic Movement of Romanians and Party of Russians, Danica Grujicic – Vlach Party, Hungarian Movement – For changes, Male and Female Citizens of Serbia – Coalition

registration of a candidate list nominated by a group of voters.⁶⁵ An additional 12 concerned the denial of registration of 6 candidate lists,⁶⁶ 2 were against the registration of a candidate list⁶⁷ and 8 pertained to the granting or denial of national minority status to 4 candidate lists.⁶⁸ On several occasions, the Administrative Court overturned REC decisions showing an overly restrictive interpretation of the law.⁶⁹

XII. PARTICIPATION OF NATIONAL MINORITIES

The Constitution guarantees the rights and freedoms of national minorities, including those related to political association, cultural institutions, education and access to information in their own languages, the rights to elect and to be elected. According to the 2011 census, there are 20 national minorities registered in Serbia.⁷⁰ The 2009 LPP contains provisions promoting the participation of national minorities in public life, and 64 of the 106 parties were registered as representing national minorities.⁷¹ Ballots and protocols were printed in up to five minority languages in areas where a national minority language is officially used.

Out of 29 submitted candidate lists, 17 applied for national minority status and 8 obtained it.⁷² Initially, the REC registered 4 of 17 lists, but refused to grant them national minority status on the grounds that they did not present evidence of activities undertaken to represent and promote the interests of a national minority.⁷³ However, the Administrative Court ruled that the REC cannot deny the national minority status to candidate lists submitted by political parties that have such status. Some submitters of lists took advantage of the lack of clear criteria in the law to apply for the national minority status solely to obtain the related privileges. Of the eight national minority candidate lists that contested the elections, two were registered as representing the Bosniak minority, two as Hungarian, two as Russian, one as Albanian and one as Slovak. In addition, one other national minority party was on a coalition list with non-minority parties.⁷⁴

Measures should be taken, including clear criteria established by law, to prevent the abuse of provisions for candidate lists to obtain the status of national minority.

Roma Party and Bunjevci Citizens of Serbia, This is us – Natural Movement, and the Tolerance, Democratic Movement of Romanians of Serbia and Party of Russians of Serbia.

⁶⁵ The candidate list ‘United for Serbia - National Alliance Glišić – Parović’ which obtained new registration under the name of “In spite – United for Serbia – People’s Alliance.”

⁶⁶ Republican Party-Nikola Sandulović, This is Us – Natural Movement, Danjica Grujičić – Vlach Party, Hungarian Movement-For Changes, The Tolerance, Male and Female Citizens – Coalition Roma Party and Bunievci Citizens of Serbia.

⁶⁷ The Green Party.

⁶⁸ Russian Party-Slobodan Nikolić, Republican Party-Nikola Sandulović, Serbian-Russian Movement and Green Party.’ See *Participation of National Minorities Section*.

⁶⁹ For instance, in the rulings concerning the ‘United for Serbia - National Alliance Glišić – Parović’ and candidate lists applying for national minority status.

⁷⁰ The largest minorities are the Hungarians (253,899), the Roma (147,604) and the Bosniaks (145,278). While the Albanian minority boycotted the census, a 2015 assessment in southern Serbia requested by the Serbian authorities showed an Albanian population of 47,938.

⁷¹ While 10,000 signatures are required to register a political party, a national minority can register a party with 1,000 signatures. However, all candidate lists, including those of a national minority, require the same 10,000 signatures to be registered.

⁷² In addition, the Roma list was registered with national minority status, but afterwards withdrew. Six lists that applied for nationality minority status were not registered for lacking sufficient supporting signatures.

⁷³ Article 81.3 of the LER stipulates that the REC decides if the submitter of a candidate list holds the position of a national minority party or coalition. Article 42 of REC Instructions stipulates the criteria for granting national minority status to candidate lists. See *Complaints and Appeals Section*.

⁷⁴ The Democratic Alliance of Croats in Vojvodina was on the “Fair for Serbia – DS” list.

XIII. CITIZEN AND INTERNATIONAL OBSERVERS

Despite long-standing OSCE/ODIHR recommendations, the electoral legislation does not provide for election observation.⁷⁵ Access for citizen and international observers is regulated by the REC Rules of Procedure and regulations for these elections. These regulations set reasonable deadlines for accreditation, but limit the number of citizen observers to one observer per organization per PS. In addition, the REC regulated that in order to be eligible to observe the elections, the goals and objectives of citizen organizations must relate to elections.⁷⁶

In line with OSCE commitments, the law should include provisions on access of citizen and international observers to all stages of the electoral process and clearly define their rights and obligations.

The REC accredited 196 international observers and 1,689 citizen observers in an inclusive process. The Centre for Research, Transparency, and Accountability (CRTA) observed a representative sample of some 450 PSs, while the Centre for Free Elections and Democracy (CeSID) deployed 800 short-term observers.

XIV. ELECTION DAY AND ANNOUNCEMENT OF RESULTS

A. ELECTION DAY

In accordance with standard practice for LEOMs, the OSCE/ODIHR LEOM did not observe election day proceedings in a systematic or comprehensive manner. However, international observers visited a limited number of PSs across the country.

Voting procedures were generally conducted efficiently and in accordance with the law. However, international observers noted certain issues. The design of the voting screens and the layout at some PSs did not ensure the secrecy of the vote, which is not in line with OSCE commitments and other international obligations and standards.⁷⁷ Overall, voting proceeded in an orderly fashion, although at times, the small size of voting premises and the large number of PB members contributed to overcrowding.⁷⁸ In some cases noted by international observers, PB members did not know which party had nominated them.⁷⁹ Such practices could affect the intended pluralistic nature of election commissions and confidence in the election administration. There is no legal requirement for identification of authorized persons in the PB.

Authorities could consider reviewing voting screen design and polling station layout, to ensure the secrecy of the vote and consider requiring badges for all PB members.

⁷⁵ Paragraph 8 of the 1990 OSCE Copenhagen Document provides that “the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”. See also paragraph II.3.2 of the Code of Good Practice,

⁷⁶ Some citizen organizations had to change their charters to receive accreditation.

⁷⁷ See Paragraph 5.1 of the 1990 Copenhagen Document, Article 25 (b) of the ICCPR and Article 3 of the Additional Protocol to the European Convention on Human Rights.

⁷⁸ The REC stated that approximately 300,000 PB members were appointed which equals an average of 36 PB members in each PS.

⁷⁹ Noted in Kragujevac, Niš, Novi Sad and Vranje. In Kragujevac, one PB member admitted to OSCE/ODIHR LEOM observers their affiliation with the SNS, while officially representing another candidate list.

PBs members generally demonstrated a sufficient understanding of procedures. However, instances of family voting were observed and UV lamps to check against multiple voting were not used consistently. Not all PSs visited were accessible to voters with disabilities. While no serious incidents were reported on election day, international observers noted and received some reports about an intimidating presence of SNS representatives in and around some PSs.⁸⁰

OSCE/ODIHR LEOM observers reported the lack of safekeeping measures for sensitive election materials, including ballots, which were in some cases stored in the homes of PB chairpersons before election day. Some OSCE/ODIHR LEOM interlocutors raised concerns that these materials were not properly sealed, and that the number of ballots at the opening on election day was not checked against the number of ballots received by PBs two days before.

The OSCE/ODIHR LEOM observed some cases of a breach in the campaign silence period in Vojvodina and in central Serbia before and on election day. In Jagodina, the DS and the LDP submitted a joint complaint to the local election commission and the REC after SNS activists erected posters and used a loudspeaker on 22 April.

During counting, OSCE/ODIHR LEOM observers noted that a number of PB members were unfamiliar with the procedures on the reconciliation between the number of signatures on the voter list and the number of cast ballots. In a few cases, a recount was necessary, either because the number of ballots in the ballot box exceeded the number of signatures on the voter list or because ballots for the parliamentary elections were cast in the box for local elections.⁸¹

The REC began releasing preliminary results in the early morning after election day. Preliminary voter turnout was reported at 56.3 per cent.

B. TABULATION, TRANSMISSION OF RESULTS

The law provides for the inspection of PB material by representatives of contestants after election day. All requests for inspection filed by contestants were granted by the REC. However, there are no clear rules about how to conduct inspections and there were concerns among the inspecting teams that the inspection is not conducted in a meaningful manner.⁸² In addition, no complaints may be filed after the inspection, including on challenging of the results, at odds with good practice.⁸³ Although the process of inspection was supervised by REC staff, some concerns were raised about the lack of safekeeping measures for the storage of the ballots and election material. The law does not require the secure storage of ballots and material until the deadline for challenging the results.

Procedures governing the inspection of materials should be clearly established allowing for a meaningful and uniform review. Measures should be taken to secure election materials during inspection.

⁸⁰ This was the case in PSs visited in Niš and in Vojvodina.

⁸¹ In Novi Sad, Niš and Vranje, OSCE/ODIHR LEOM observers noted that the similar colour of the ballot for the parliamentary and the local elections made it difficult for some voters to distinguish between the two, and voters would at times cast votes in the wrong ballot box. At counting, OSCE/ODIHR LEOM observers in Vranje noted that PB members found it difficult to sort ballots after opening the ballot boxes and often disagreed about the colour of the ballots.

⁸² Inspection teams did not have access to PB protocols and could not take notes, only photos of ballots.

⁸³ See paragraph II.3.3.a. of the Code of Good Practice and paragraph II.3.3.92 in the explanatory report.

The law does not prescribe a transparent and accountable tabulation process whereby figures of PB result protocols may be cross-checked with disaggregated tabulation records. The tabulation is conducted by the Republic Statistics Office (RSO) with the assistance of the REC Coordinators at the municipalities and at the REC. By law, representatives of the contestants may observe the tabulation at the REC, although the RSO reported that none observed the process.⁸⁴ The RSO conducted a control check of PB protocols whereby some errors are addressed without the presence of all PB members; for other errors, the RSO recommends corrections to the REC.⁸⁵ Overall, the legal provisions on tabulation and transmission of results, as currently implemented, do not ensure that votes are counted and reported honestly, challenging paragraph 7.4 of the 1990 OSCE Copenhagen Document. However, no concerns were raised by stakeholders about the tabulation process.

To enhance the transparency and integrity of the electoral process, the law should prescribe a detailed tabulation process that is conducted by the election administration.

C. POST-ELECTION DEVELOPMENTS

The law stipulates that the REC may annul voting in a PS and order repeat voting. However, due to a 2007 Supreme Court ruling, the REC may not act upon irregularities *ex officio*, including annulling voting and ordering repeat elections, which is not in line with good practice.⁸⁶ As a consequence, irregularities, including inaccuracies of PB protocols, may be left unaddressed, unless there is a complaint. This limitation on the REC's authority does not ensure the integrity of the electoral process, including on the accuracy of election results. In addition, the law does not also provide for recounts or for challenges of results and does not explicitly state which irregularities require a repeat election, contrary to international good practice.⁸⁷

Voters and candidates filed over 60 complaints with the REC requesting an annulment of results and calling for repeat voting in an equal number of PSs. Most complaints alleged discrepancies in the PB result protocols, whereas others alleged carousel voting, vote-buying, discrepancies between the VL and the UVR. The REC reviewed them in short sessions before the 48-hour deadline. Over 40 of the complaints were presented only verbally by REC coordinators, which raises concerns about due process. The REC rejected most, whereas it upheld 15, resulting in the annulment of results, and ordered repeat voting in an equal number of PSs.⁸⁸

⁸⁴ In post-election meetings with the OSCE/ODIHR LEOM, opposition parties did not seem to be aware of the right of candidate lists to have representatives monitoring the tabulation process at the RSO.

⁸⁵ In addition, the RSO methodology distinguishes between "heavy" errors, which have to be corrected, and "light" errors, which can be tolerated. "Heavy" errors include: missing or incomplete protocols, protocols not signed or signed by the same person, higher number of ballot papers in the ballot boxes than signatures in the voter lists or than number of votes won by all the contestants. "Light" errors include: difference between the number of ballot papers received and the number of ballots unused and/or the number of registered voters, higher number of signatures in the voter lists than the number of used ballots, protocols only signed by some and not all PB members.

⁸⁶ The Supreme Court (decision from 28 January 2007) ruled that electoral bodies may not act *ex officio* upon irregularities, which is an overly restrictive interpretation of Article 89 of the LER and at odds with paragraphs II.3.3.d.e.i of the Code of Good Practice, which stipulate that the electoral commission should be able to act *ex officio*, including annulling elections.

⁸⁷ See paragraph II.3.3.a. of the Code of Good Practice and paragraph II.3.3.92 in the explanatory report.

⁸⁸ Repeat voting was ordered where the number of ballots cast exceeded the number of signatures in the VL, pursuant to Art.74.8 of the LER. Repeat voting must be held within 7 days or repeat elections in the whole country within 15 days from the day of annulment. If the Administrative Court annuls elections, repeat elections must be held within 10 days.

The law should prescribe a simple, accessible and effective legal redress for election day irregularities and provide for challenges of election results. All complaints should be reviewed with due process.

On 26 April, the REC pronounced most preliminary results. The RSO reported that out of 8,377 PBs, there were errors in 320 PB protocols, including 26 non-submitted PB protocols, 89 with “heavy” errors and 231 with “light” errors. In addition, the RSO reported that there were 3,072 unaccounted ballots. It concluded that there were significant discrepancies in 164 PB result protocols that had to be addressed by the REC.⁸⁹

Measures should be taken to enhance the accuracy of PBs’ work including on counting and drafting of PB protocols. Proportionate sanctions should be imposed for irregularities.

The REC discussed inaccurate PB protocols, although REC members did not review them. The REC Chairperson stated that they would conduct “restructuring of election results” in these 164 PSs.⁹⁰ Although not legally foreseen, this resulted in 99 recounts. In addition, 50 protocols were accepted as valid; repeat voting was ordered in 15 PSs (corresponding to those requiring repeat voting based on complaints); and 11 protocols were invalidated, which effectively disenfranchised the voters in the affected PSs.⁹¹ The REC did not publish the new protocols from the recounts or any decisions affecting the election results. Although the decisions were taken in an open and inclusive manner, this process is not prescribed by law and the REC used wide discretionary powers in an inconsistent and arbitrary manner to address the inaccuracies of PB protocols.⁹²

In line with good practice, the REC should have authority ex officio to rectify or overturn decisions taken by polling boards/lower electoral commissions, to annul elections if irregularities affect the outcome, and to order repeat voting to avoid disenfranchising affected voters.

Subsequent to the recounts, protests were held by several opposition parties disputing the integrity of the electoral process and the accuracy of the election results, which focused on one contestant falling short of the five per cent threshold by a single vote. However, no appeals were filed with the Administrative Court against any REC decision after election day.⁹³

On 4 May, repeat voting was held in the 15 PSs.⁹⁴ On 5 May, the REC pronounced the final results. There is no legal requirement for publishing disaggregated results.⁹⁵ A total of 85 women and 10 representatives of national minorities were elected to the new parliament.

⁸⁹ Errors in the PB protocols included PB missing protocols, PB protocols without results, discrepancies in the number of valid and invalid ballots, the sum of the votes given to lists not matching the total number of valid ballots from a ballot box, PB protocols without the number of voters on the VL. It was also noted that the inconsistent number of PB members in a PS resulted in the absence of a clear quorum and a voting majority for signing PB protocols. PB members are not protected by the law from replacement. The REC stated that there were several last minute replacements of PB members.

⁹⁰ This process was aimed at repairing or adjusting the missing or incomplete protocols in the PSs concerned.

⁹¹ Paragraph II.3.3.e. of the Code of Good Practice provides that “*the appeal body must have the authority to annul elections where irregularities may have affected the outcome. [...] In the event of annulment, a new election must be called in the area concerned.*”

⁹² The REC recounted 99 PSs without explicitly stating how it would act upon the results of the recounts. REC members, in teams of three, conducted informal recounts at the REC without cross-checking the number of signatures on the VL against the total number of ballots. The REC reviewed the results of the 99 recounts individually, whereby REC members had the opportunity to debate and vote on each one.

⁹³ On 5 May, the DS announced that it would call on the new parliament to dismiss the Chairperson of the REC and the Director of the RSO.

⁹⁴ The REC rejected a complaint on the repeat voting, which alleged voter intimidation and requested the annulment and repeat elections in PS 22 in Novi Beograd.

The timely publication of disaggregated election results by polling station should be enshrined in the law in order to increase transparency and confidence in the process.

XV. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to enhance the conduct of elections in Serbia and bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with other recommendations offered previously by the OSCE/ODIHR and with recommendations contained in the joint opinions on Serbian election legislation of the OSCE/ODIHR and the Venice Commission. The OSCE/ODIHR stands ready to assist the authorities of Serbia to further improve the electoral process and in following up on recommendations contained in this and previous reports.⁹⁶

A. PRIORITY RECOMMENDATIONS

1. The electoral legislation would benefit from a comprehensive review to address legal loopholes and unclear provisions. To ensure legal certainty, substantial regulations should be included primarily in the law, while only those related to technical matters and details should be included in REC instructions.
2. To increase transparency and contribute to trust in the accuracy of voter lists, consideration could be given to displaying preliminary voter lists for public scrutiny in line with the law and international good practice.
3. Rules on candidate registration, including procedures for the verification of supporting signatures, should be clarified to ensure transparency at all stages, consistency and legal certainty.
4. To promote a level playing field among contestants and ensure the separation of state and party interests, consideration should be given to introducing campaign regulations including on preventing the misuse of administrative resources and abuse of office. Compliance should be monitored by a competent and independent body and violations should be punished with proportionate and dissuasive sanctions.
5. To enhance the transparency of campaign finances, previous OSCE/ODIHR and Venice Commission recommendations should be addressed, including introducing an expenditure ceiling, a requirement to submit interim financial reports as well as the timely publishing of the financial reports and ACA conclusions. The law should prescribe proportionate and dissuasive sanctions, and irregularities should be sanctioned.
6. Consideration should be given to clarify the REM's competences in investigating and sanctioning breaches of legislation in a timely manner. In addition, the REM should act upon its own initiative, based on systematic monitoring election coverage and compliance with established regulations.

⁹⁵ Following an OSCE/ODIHR recommendation after the 2012 election, the REC published disaggregated final results after the 2014 elections.

⁹⁶ In paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations."

7. The law should prescribe a simple, accessible and effective legal redress for election day irregularities and provide for challenges of election results. All complaints should be reviewed with due process.
8. In line with good practice, the REC should have authority ex officio to rectify or overturn decisions taken by polling boards/lower electoral commissions, to annul elections if irregularities affect the outcome, and to order repeat voting to avoid disenfranchising affected voters.

B. OTHER RECOMMENDATIONS

Election Administration

9. To ensure that voters are fully informed of their rights and responsibilities, the REC could intensify its efforts and undertake comprehensive voter education activities sufficiently in advance of the elections.
10. Consideration could be given to conducting standardized training on electoral procedures for all PB members.

Voter Registration

11. The blanket restriction on suffrage rights of persons declared mentally incompetent should be removed or decided on a case-by-case basis by the court, depending on specific circumstances.

Candidate Registration

12. Legislation should be amended to give an opportunity to individual citizens to stand as independent candidates.
13. To make the candidate registration process more inclusive, the restriction that voters may support only one candidate list could be reconsidered.
14. The LER should include provisions regarding the deadlines and conditions for the withdrawal of registered candidates.
15. Deadlines for candidate registration could be reconsidered to allow for more thorough verification of registration documents, to ensure an effective redress in case of appeals and to provide sufficient time for ballot printing.

Media

16. The independence of the public media could be further strengthened by setting up a mechanism that would provide for sufficient funding and reduce their dependency upon the state budget.
17. Consideration should be given to regulate media coverage of officials who are also candidates, in order that they do not enjoy an unduly privileged position compared to other contestants.

Complaints and Appeals

18. The effectiveness and transparency of the dispute resolution process could be improved by introducing a legal requirement for the applicant's right to a hearing involving both parties, publishing information on complaints and decisions in a timely manner, and extending the 24-hour deadline.

Participation of National Minorities

19. Measures should be taken, including clear criteria established by law, to prevent the abuse of provisions for candidate lists to obtain the status of national minority.

Citizen and International Observers

20. In line with OSCE commitments, the law should include provisions on access of citizen and international observers to all stages of the electoral process and clearly define their rights and obligations.

Election Day

21. Authorities could consider reviewing voting screen design and polling station layout, to ensure the secrecy of the vote and consider requiring badges for all PB members.

Tabulation and Transmission of Results

22. Procedures governing the inspection of materials should be clearly established allowing for a meaningful and uniform review. Measures should be taken to secure election materials during inspection.

23. To enhance the transparency and integrity of the electoral process, the law should prescribe a detailed tabulation process that is conducted by the election administration.

24. Measures should be taken to enhance the accuracy of PBs' work including on counting and drafting of PB protocols. Proportionate sanctions should be imposed for irregularities.

25. The timely publication of disaggregated election results by polling station should be enshrined in the law in order to increase transparency and confidence in the process.

XVI. ANNEX: FINAL ELECTION RESULTS

The REC announced the final election results on its website on 5 May.

Total number of registered voters	6,739,441
Total number of votes cast	3,778,923
Total number of valid votes	3,667,915
Total number of invalid votes	107,906
Turnout (percentage)	56.07

Number on the ballot	Candidate List	Number of votes won	Number of mandates won	Percentage of votes won
1	Aleksandar Vučić – “Serbia Wins” ⁹⁷	1,823,147	131	48.25
2	“Fair for Serbia” – Democratic Party (Nova, DSHV, ZZC)	227,589	16	6.02
3	Ivica Dačić – SPS – JS – Dragan Marković Palma	413,770	29	10.95
4	Dr Vojislav Šešelj – Serbian Radical Party	306,052	22	8.10
5	Dveri – Democratic Party of Serbia – Sanda Rašković Ivić – Boško Obradović	190,530	13	5.04
6	Alliance of Vojvodina Hungarians – István Pásztor	56,620	4	1.50
7	Boris Tadić, Čedomir Jovanović – Alliance for a Better Serbia (LDP-LSV-SDS)	189,564	13	5.02
8	Muamer Zukorlić – Bosniak Democratic Community of Sandžak	32,526	2	0.86
9	SDA Sandžak – Dr Sulejman Ugljanin	30,092	2	0.80
10	For Free Serbia – Zavetnici – Milica Djurdjević	27,690	0	0.73
11	For the Rebirth of Serbia – Prof. PhD Slobodan Komazec	13,260	0	0.35
12	Russian Party – Slobodan Nikolić	13,777	0	0.36
13	Republican Party – Nikola Sandulović	4,522	0	0.12
14	Serbian-Russian Movement – Slobodan Dimitrijević	10,016	0	0.27
15	Borko Stefanovic – Serbia for Us All	35,710	0	0.94
16	Dialogue – Youth with an Opinion – Stanko Debeljaković	7,744	0	0.20
17	Enough is Enough – Saša Radulović	227,626	16	6.02
18	Party for Democratic Action – Ardita Sinani	16,262	1	0.43
19	Green Party	23,890	1	0.63
20	In spite – United for Serbia – People’s Alliance	17,528	0	0.46

⁹⁷

SNS coalition partners included: the Social Democratic Party, Socialists Movement, Party of United Pensioners of Serbia, the Serbian Renewal Movement, the Force of Serbia Movement, New Serbia, the Serbian People’s Movement, the Autonomous Democratic Party of Serbia.

XVII. ANNEX II: LIST OF OBSERVERS IN THE IEOM

Parliamentary Assembly of the Council of Europe

Volodymyr Arieu	Ukraine	Head of Delegation
Carles Jordana	Andorra	
Samvel Farmanyan	Armenia	
Stefan Schennach	Austria	
Mónika Bartos	Hungary	
Nicole Durantou	France	
René Rouquet	France	
Andrea Rigoni	Italy	
Egidijus Vareikis	Lithuania	
Snežana Jonica	Montenegro	
Predrag Sekulić	Montenegro	
Marit Maij	Netherlands	
Viorel Badea	Romania	
Matjaž Hanžek	Slovenia	
Pierre-Alain Fridez	Switzerland	
Alfred Heer	Switzerland	
Nigel Evans	UK	
George Foulkes	UK	
Chemavon Chahbazian	Armenia	Secretariat
Franck Daeschler	France	Secretariat
Daniele Gastl	France	Secretariat
Richard Barrett	Ireland	Venice Commission
Gaël Martin-Micallef	France	Venice Commission

Long-Term Observation Mission

OSCE/ODIHR LEOM Core Team

Geert-Hinrich Ahrens	Germany	Head of Mission
Christopher Spence	Canada	
Lela Tsaava	Georgia	
Elissavet Karagiannidou	Greece	
Pascale Roussy	France	
Malgorzata Falecka	Poland	
Maria Krause	Romania	
Svetlana Chetaikina	Russian Federation	
Marek Mracka	Slovakia	
Kyle Bowers	USA	

OSCE/ODIHR Long-Term Observers

Kari Tapio Vanhagen	Finland
Veronique Lasserre-fy	France
Rene Wildangel	Germany
Zuzana Dudek	Germany
Emil Andras Varadi	Hungary

Donal Blake	Ireland
Maurizio Giachero	Italy
Torsten Holger Jaeckel	Sweden
Diana Franca Ferrari	Switzerland
Hans-Juerg Pfaff	Switzerland
Ben Graham Jones	UK
Cara Lynn Stern	USA

ABOUT THE OSCE/ODIHR

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

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

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

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

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

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

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

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

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