

DEMOCRACY AND HUMAN RIGHTS

# SERBIAN ELECTION 2020

## Erosion of Trust in the Democratic Process

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August 2020



The ruling Serbian Progressive Party achieved a victory by winning 75.2% of seats in the June 2020 parliamentary election, boycotted by most of the opposition and after which there will be almost no parliamentary opposition.



Numerous irregularities which greatly influenced the electoral outcome were documented on election day and during the electoral campaign, which unofficially continued during the State of Emergency.



A dialogue on electoral conditions, mediated by representatives of the European Parliament, did not achieve significant results, as most of the opposition parties stood behind their decision to boycott the election, while electoral conditions did not improve.



The political crisis in Serbia will continue and deepen after the election, demanding additional engagement from the European Union.

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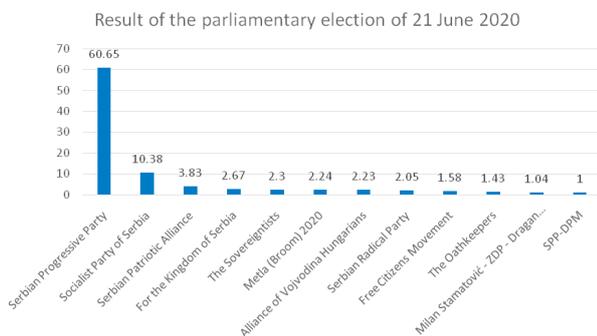
Erosion of Trust in the Democratic Process

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# INTRODUCTION

The parliamentary election in Serbia attracted significant attention from the international public, above all due to the shocking electoral results according to which there will practically be no opposition in the National Assembly of Serbia. However, this represents an expected outcome of the entire electoral process, marked by numerous deficiencies, irregularities and controversies which had a significant impact on electoral results, as well as by the decision of the majority of the opposition to boycott the election. This result also represents the evident failure of the mediation mission of the European Parliament, through which inter-party dialogue between government and opposition on electoral conditions was conducted.



Source: Republic Electoral Commission; Note: Only the parties of candidates receiving more than 1% of the vote are presented.

Despite appropriate criticism from Brussels on the state of democracy in Serbia being frequently absent in the past, this was not the case with this electoral process, which triggered strong reactions from the European Parliament, including an assessment of the S&D Group that it represented a “mockery of democracy”. Together with the recent demotion of Serbia to the “hybrid/transitional regime” category by Freedom House, the 2020 parliamentary election will represent a turning point when it comes to assessing the state of democracy in Serbia.

The dialogue between the government and opposition on electoral conditions began a little less than a year before the election. The (non-)existence of conditions for free and fair elections in Serbia represented one of the main topics of the months-long “1 of 5 million” protests, which erupted in December 2018. During the protests, a large number of opposition parties and movements, mostly gathered within the Alliance for Serbia coalition, announced a boycott of further

elections unless electoral conditions were improved. An expert team from the “1 of 5 million” protests was later formed, identifying problems in the following areas: media reporting and governmental influence on the media; pressure on voters, especially those employed in the public sector; blurred lines between the exercise of public office and holding a political campaign, especially in the case of the president; the work of electoral administration which can lead to severe or less severe errors when it comes to determining election results; as well as perceptions of an outdated electoral roll.<sup>1</sup>

All of the aforementioned problems were recognised and warned about by international and domestic observers during previous electoral cycles.<sup>2</sup>

## DIALOGUE BETWEEN GOVERNMENT AND OPPOSITION ON ELECTORAL CONDITIONS IN 2019

The first organised discussions between the ruling and opposition parties since the Serbian Progressive Party (SNS) came to power in 2012 were held after several months of protests of citizens and the opposition, threats of an election boycott and requests for the improvement of electoral conditions.<sup>3</sup> The first moderated dialogue, with representatives of the ruling and opposition parties, was held on 30 July, 2019 at the Faculty of Political Sciences in Belgrade, organised by the Faculty and the Open Society Foundation Serbia. In total, six rounds of dialogue were held, without the presence of the media but with the participation of civil society organisations.

However, during the third round of the dialogue on 19 August, 2019, representatives of the Alliance for Serbia left the discussion stating that the ruling parties’ representatives had

- 1 Expert team from the “1 of 5 million” protests presented recommendations: Free media and elections are a precondition for democracy, <https://savez-za-srbiju.rs/predstavljenepreporuke-strucnog-tima-ispred-ucesnika-protesta-1-od-5-miliona-slobodni-mediji-i-izbori-su-preduslov-demokratije/#.XxncZ7RDIU>. Accessed on 23 July, 2020.
- 2 See: ODIHR 2017, ODIHR 2016, CRTA 2017, CRTA 2016, CeSID 2016-2017. Accessed on 5 August, 2020.
- 3 Faculty of Political Sciences: Press Release: Dialogue on the 2020 elections, <http://rs.n1info.com/Vesti/a508954/Savez-za-Srbiju-nece-ucestvovati-na-narednim-okruglim-stolovima-na-FPN.html>. Accessed on 30 July, 2020.

not shown “the slightest willingness” to fulfill the recommendations of the team of experts from the “1 of 5 million” anti-government protests.<sup>4</sup> The Alliance for Serbia did not take part in any further meetings, which ended on 19 September. During August and September, political parties and movements gathered within the Alliance for Serbia made individual decisions to boycott the elections scheduled for spring 2020.

In the meantime, the opposition Free Citizens Movement wrote an open letter to the Chairman of the Foreign Affairs Committee of the European Parliament, David McAllister, (EPP), asking him to consider facilitating a cross-party dialogue so that the parliamentary election could take place without the opposition’s boycott.<sup>5</sup> On 17 September, 2019, in a letter to the Speaker of the National Assembly, Maja Gojković, McAllister suggested an inter-party dialogue mediated by Members of the European Parliament. The ruling party accepted this suggestion.<sup>6</sup>

The inter-party dialogue mediated by the European Parliament was held in three rounds – in October, November and December, 2019. In the beginning, the mediators were former MEPs with experience in mediation in the region, Eduard Kukan and Knut Fleckenstein, who were later joined by newly-elected European Parliament Rapporteur for Serbia Vladimir Bilčík (EPP) and the newly elected Chair of the European Parliament Delegation to EU-Serbia Stabilisation and Association Parliamentary Committee, Tanja Fajon (S&D).

***“The inter-party dialogue mediated by the European Parliament was held in three rounds – in October, November and December in 2019”***

The Alliance for Serbia welcomed the involvement of the European Parliament and had separate discussions with its representatives on the state of democracy in Serbia, but did not take part in the dialogue held at the National Assembly, stating that it was too late for negotiations on electoral conditions if the elections were to take place in spring 2020. The representatives of the Alliance for Serbia demanded postponement of the elections, as they believed that implemen-

tation of the measures to improve electoral conditions would require more time.<sup>7</sup>

Criticism was also levelled at the format of the dialogue of the ruling parties and opposition – the so-called “Jean Monnet” format, which implied the participation of parliamentary groups in the National Assembly and their leaders. It was pointed out that, since the 2016 election, the situation within the opposition had changed significantly and that the parliamentary groups do not reflect the balance of power in the political arena.

Several analysts suggested the mediation format of the European Parliament implemented in North Macedonia in 2015, when the dialogues included the leaders of the largest ruling and opposition parties.<sup>8</sup>

These dialogues mediated by the European Parliament produced results, in the form of “the Implementation Timetable”, which listed the reforms of election conditions which the ruling majority pledged to implement. Fulfillment and performance of the Implementation Timetable will be analysed later in this report.

Still, these rounds of the dialogue did not persuade the Alliance for Serbia to give up the boycott, while in the meantime, several other parties and movements announced their boycott of the elections as well, including the Free Citizens Movement.

## CONTROVERSIAL AMENDMENTS TO ELECTORAL LEGISLATION

### **Electoral System of Serbia (before the changes of 2020)**

250 Members of the National Assembly of Serbia are elected from the closed lists of candidates submitted by a party, coalition or a group of citizens. In order to submit a list, a proposing organisation must provide at least 10,000 signatures of support from individual citizens. The country as a whole is the sole constituency. In order to be included in the distribution of mandates according to the D’Hondt method, a party list must receive at least 5% of the vote; this does not apply to the national minority party lists, for which there is no threshold.

At the beginning of 2020, SNS decided to change vital elements of the electoral system just a few months before the elections and without a prior public debate. The first significant change that occurred in February, referred to the elec-

4 N1: The Alliance for Serbia will not participate in the next dialogue round at the Faculty of Political Sciences, <http://rs.n1info.com/Vesti/a508954/Savez-za-Srbiju-nece-ucestvovati-na-narednim-okruglim-stolovima-na-FPN.html>. Accessed on 30 July, 2020.

5 EWB: Trifunović: EP to become involved in the dialogue, <https://europeanwesternbalkans.rs/trifunovic-ep-da-se-ukljuci-u-dijalog-vlasti-opozicije/>. Accessed on 30 July, 2020.

6 EWB: In a letter to Maja Gojković, McAllister proposes the mediation of the European Parliament, <https://europeanwesternbalkans.rs/mekalister-u-pismu-maji-gojkovic-predlaze-posredovanje-ep-medju-strankama-u-srbiji/>. Accessed on 30 July, 2020.

7 SZS is not ready for any negotiations with the authorities on the election to be held in the spring of 2020, <https://savez-za-srbiju.rs/szs-nije-spreman-na-bilo-kakve-pregovore-sa-vlascu-o-izborima-koji-bi-bili-odrzani-na-prolece-2020-godine/#.XyLHgSjRDIW>. Accessed on 30 July, 2020.

8 EWB: Delayed mediation of the European Parliament, <https://europeanwesternbalkans.rs/zakasnelo-posredovanje-evropskog-parlament/>. Accessed on 30 July, 2020.

toral threshold which was lowered from 5% to 3%, for the first time since 1992.

***“SNS has decided to change vital elements of the electoral system without a prior public debate and only a few months before the elections. None of these changes were demanded by the opposition parties, nor were they part of the dialogue on electoral conditions.”***

In addition to changes to the threshold, the electoral threshold for the minority party lists (the so called “natural threshold”) was also changed. According to the new rules, the number of votes won by the minority party lists increases by 35%, which makes it easier for minorities to reach the natural threshold and to win more seats in the National Assembly. The third amendment to the electoral system was the 40% mandatory quota of the less represented gender for the party lists participating in the elections, while the fourth change, adopted after the abolition of the State of Emergency in May, referred to the possibility that not only public notaries but also municipal and city administrations can verify the signatures of support of citizens needed by the parties to participate in the elections.<sup>9</sup> None of these changes were among the demands of the opposition parties, nor were they the subject of dialogue on electoral conditions.

Even though amendments to electoral legislation, generally speaking, can have a positive impact on the electoral process, this was not the case in this particular situation. The amendments made prior to the June 2020 elections violated the principle of the stability of electoral law – one of the basic principles of the Code of Good Practice in Electoral Matters, published by the European Commission for Democracy Through Law (Venice Commission) in 2002.

Namely, this document explicitly states that “the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election”<sup>10</sup> (Chapter 2, paragraph 2b). Given that the first three electoral changes were made 78 days before the elections scheduled for April 26, and the fourth electoral change 43 days before the elections rescheduled for June 21, the Venice Commission’s principle of stability of the electoral law was clearly violated.

***“Amendments to electoral legislation violated one of the basic principles of the 2002 Code of Good Practice in Electoral Matters of the Venice Commission on the stability of the electoral law”***

Although the Serbian Progressive Party justified the lowering of the election threshold by pointing out that this change would “increase the degree of democracy in the electoral process” and “more accurately represent the will of the voters in the National Assembly”, experts claim that the real reason behind the amendments was to increase the number of parties in the National Assembly thus presenting the election, boycotted by significant opposition parties, as legitimate.<sup>11</sup>

The amendment of the electoral threshold for the parties of national minorities was interpreted in a similar way – as a part of the ruling party’s strategy to ensure the legitimacy of National Assembly after the election. This amendment suited the interests of the well-organised national minority parties, especially the Alliance of Vojvodina Hungarians (SVM), on whose initiative this change was adopted and who benefited most from it, which can be observed by its number of seats in the parliament, which doubled after the elections.

***Suspicious regarding the collection of support signatures***

The fourth amendment to the election legislation which concerns the possibility that not only public notaries but also city and municipality authorities can verify support signatures negatively affected the credibility of the electoral process. This amendment was justified by the ruling party as a measure to prevent mass gatherings due to the COVID-19 pandemic, however this was a backslide from the improvement made by the introduction of the Law on Public Notaries in 2017 which stipulated that only public notaries are authorised to verify support signatures.<sup>12</sup> The stipulation was introduced on the recommendation of the OSCE Office for Democratic Institution and Human Rights (ODIHR) from 2014,<sup>13</sup> when ODIHR suggested a simplification of the signature verification process, with a similar recommendation given in 2016.<sup>14</sup> The fact that the authority to verify the signatures was also given to municipal and city authorities, under the control of the political parties in power, could have affected

9 [http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi\\_zakona/2020/566-20.pdf](http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/2020/566-20.pdf). Accessed on 30 July, 2020.

10 [https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-AD(2002)023rev2-cor-e), p.10

11 N1: Stojanović on the threshold: Desperate attempt of Vučić to push some parties into parliament, <http://rs.n1info.com/Video/Info/a559723/Stojanovic-o-cenzusu-Ocajnicki-potez-Vucica-kako-bi-ne-ke-stranke-ubacio-u-parlament.html>. Accessed on 30 July, 2020.

12 N1: Nedeljkov: The changes to the laws will not prevent a possible falsifying of signatures, <http://rs.n1info.com/lzbori-2020/a598563/Nedeljkov-lzmenama-zakona-se-nece-spreciti-moguće-falsifikovanje-potpisa.html>. Accessed on 30 July, 2020.

13 <https://www.osce.org/files/f/documents/0/5/118968.pdf>, p.9

14 [https://www.osce.org/files/f/documents/c/a/256926\\_0.pdf](https://www.osce.org/files/f/documents/c/a/256926_0.pdf), p.8

the impartiality of the process. This also led to unequal conditions for potential participants, as the signatures were collected under two different regulations.

***“By changing the regulation on the collection of support signatures, the improvement of election practice, recommended by the ODIHR in 2014 and 2016, was annulled.”***

Partially due to these changes, even the collection of support signatures did not go without controversy. Certain election participants, above all Saša Radulović of “The Sovereignists” party, raised the question in public of whether all the parties participating in the elections had managed to collect 10,000 signatures on their own or whether they were “helped” by the ruling party in order to increase the number of participants in the elections and thus make them look more “democratic”.

In order to remove suspicions of fraudulent acts, political scientist and member of the expert team from “1 of 5 million” Boban Stojanović asked the Republic Electoral Commission (RIK) to provide him with information on how many verified signatures each party had collected and who verified their signatures. Stojanović also called upon all the participants in the elections to publish this information on their own (only several have done so).<sup>15</sup> After the RIK refused to submit this information, Stojanović appealed to the Commissioner for the Protection of Information of Public Importance and Personal Data Protection, receiving the data on the signatures on 7 August, 2020.

After processing the data, Stojanović pointed out that at least 8 out of 21 parties had collected their signatures under suspicious circumstances, compromising the legitimacy of the entire electoral process.<sup>16</sup> The candidates had thousands of their signatures verified by either the city/municipal administrations governed by SNS or by Novi Beograd municipality, governed by SPAS leader Aleksandar Šapić. The parties went on to win significantly fewer votes than the number of signatures of support in these municipalities and cities, a very unusual situation for elections in Serbia.<sup>17</sup>

***“At least eight election participants collected their support signatures in a suspicious way, compromising the legitimacy of the entire electoral process”***

According to Boban Stojanović, there is a possibility that the signatures of support were verified at the municipal authorities on the basis of their records of citizens’ data, without the consent or knowledge of the citizens themselves. This was made possible by the changes to the legislation of 10 May, which enabled the city and municipal authorities to verify the signatures. Stojanović called on state prosecutors and the Commissioner for Personal Data Protection to investigate the cases and determine whether personal data was abused in order to increase the number of parties on the ballot papers.

## **PROBLEMS OBSERVED IN THE ELECTION CAMPAIGN**

Despite the dialogue on electoral conditions and the measures the government pledged to fulfill in order to improve them, observers once again recorded all negative phenomena from the previous election cycles that the opposition representatives had complained about. It is necessary to stress that they occurred once again even though the victory of the ruling party had been all but guaranteed due to the boycott of a large part of the opposition.

***“During the election campaign, observers again recorded all the negative phenomena from previous election cycles that opposition representatives had complained about.”***

President of Serbia, Aleksandar Vučić, called the parliamentary election on 4 March 2020. The campaign, however, was suspended on 16 March due to the COVID-19 pandemic. The Republic Electoral Commission (RIK) issued a decision to suspend electoral activities until the State of Emergency, declared on the previous day, was revoked. The activities resumed on 11 May and lasted until 18 June. A small part of those actors who had previously declared the intention to boycott changed their minds in the meantime, deciding to participate after all, which included the Free Citizens Movement and Enough is Enough (submitted as “The Sovereignists” party).

### **Media imbalance**

The results of the monitoring of the Centre for Research, Transparency and Accountability (CRTA) show that during the election campaign the ruling parties received an overwhelming majority of coverage on national television channels. During the first part of the campaign, from 4 to 16 March, 2020, the ruling parties received as much as 91% of time on channels with national coverage. This percentage dropped in the second part of the campaign, but the imbalance

15 Danas: Is there a democratic opposition participating in the election?, <https://www.danas.rs/dijalog/licni-stavovi/da-li-ima-demokratske-opozicije-koja-izlazi-na-izbore/>. Accessed on 30 July, 2020.

16 The parties in question are: 12. Zavetnici (Oathkeepers), 13. Narodni blok, 14. Free Citizens Movement, 17. 1 od 5 miliona, 18. Nek maske padnu – Zelena stranka – Nova stranka, 19. Ruska stranka – Slobodan Nikolić, 20. Koalicija za mir and 21. Levijatan

17 Stojanović: How SNS and Šapić verified signatures for others, <https://nova.rs/politika/stojanovic-kako-su-sns-i-sapic-overavali-potpise-za-druge/>. Accessed on 13 August, 2020.

ance remained – from 12 to 24 May, the percentage of time devoted to the ruling parties was 60%, while from 25 May to 14 June it was 58%. Parties participating in the election profited from partial balancing, receiving 38% of the time in the final three weeks, while the boycotting parties received only 4% of time on national television over the same period.<sup>18</sup>

CRTA's monitoring shows that the ruling parties received mostly neutral coverage, while the boycotting parties received mostly negative coverage.<sup>19</sup>

***“During the first part of the campaign, from March 4 to 16, 2020, the ruling parties had a representation of as much as 91% of the time on national television programs”.***

According to CRTA's findings, the politician with the most coverage on national television channels during the campaign was the President of Serbia, Aleksandar Vučić. This was also confirmed by monitoring of the prime-time news slots for the period of 8-18 June, conducted by the Bureau for Social Research (BIRODI).<sup>20</sup> The ruling Serbian Progressive Party submitted their candidate list under the name of the president (“Aleksandar Vučić – For our Children”). He also played the most prominent role in most of its political advertising. Vučić was not a candidate in this election, but there is no doubt that the goal of the ruling party was to politically capitalise on his personal popularity.

It is exactly this role of Vučić's that makes it important to reflect on **media reporting during the State of Emergency** (15 March – 6 May 2020). Even though it was expected that the government would have an advantage over the opposition regarding media coverage due to the nature of the threat faced by the country, the imbalance was still huge. Monitoring of BIRODI shows that, between 16 March and 30 April, 2020, during the State of Emergency, President Aleksandar Vučić appeared in the prime-time news slots of the television channels with national coverage and cable television N1 for a total of 18 hours, 14 minutes and 42 seconds. On the other hand, the most prominent opposition politician, leader of the Freedom and Justice Party Dragan Đilas, appeared for a total of 7 minutes and 26 seconds. This means that Vučić, compared to the most covered opposition politician, in this case Đilas, was 147 times more present. CRTA's monitoring also shows that the members of the ruling parties

received 91% of time on national frequency television stations during the State of Emergency.

***“During the State of Emergency, President Vučić was 147 times more present than the first opposition politician in the prime-time news slots of channels with national coverage and N1.”***

An additional controversy with regard to Vučić's presence in the media during the State of Emergency was the fact that he, as President of the Republic, announced the introduction and revocation of many health and economic measures, even though it is the government that has the authority to implement them. This way, a media image of Vučić as the person deserving the most credit for the fight against the epidemic, despite his being without formal constitutional powers in this area, was created. Additionally, the National Assembly of Serbia did not meet for a full 44 days following the introduction of the State of Emergency, which prevented the control of the executive by parliament and an opportunity for the public to hear criticism of the government. The official explanation for the failure of the Assembly to meet was the epidemiological situation, which was criticised due to the fact that almost all other parliaments in Europe had met during this period.

CSO Transparency Serbia monitored the front pages of 11 national and regional newspapers from 6 March to 18 June. According to its findings Aleksandar Vučić was the most dominant actor, appearing 324 times, 275 in a positive context, 20 in a neutral and 29 in a negative one. The person with the second most appearances was Dragan Đilas, with a total of 102 front pages, but with 90 in a negative context.<sup>21</sup>

### ***Pressure on voters***

Even though the phenomenon of pressure on voters, first and foremost those employed in the public sector, is much harder to monitor than media reporting, this activity has been recognised as a long-term problem by the public and the opposition. It was once again highlighted during this election cycle.

CRTA was the only organisation which tried to systematically follow the allegations of pressure on voters during the election campaign and recorded almost 50 allegations of pressure on voters in more than 30 cities and municipalities in Serbia. The pressure, during the campaign and shortly before

18 CRTA: Long-Term Observers Report 25. 5 – 14. 6. 2020, p. 8, <https://crt.rs/wp-content/uploads/2020/06/Izbori-2020-Izvestaj-dugorocnih-posmatraca-za-period-25.maj-14.jun-CRTA.pdf>. Accessed on 30 July, 2020.

19 Ibid.

20 BIRODI: Monitoring of prime-time news slots, <http://www.birodi.rs/wp-content/uploads/2020/06/Press-BIRODI-26.6..pdf>. Accessed on 30 July, 2020.

21 Transparency Serbia: Intensive public officials' campaign overshadows the presentation of the electoral lists, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/saoptenja/11499-intenzivna-funkcionerska-kampanja-odneta-primat-nad-predstavljajanjem-izbornih-lista>. Accessed on 30 July, 2020.

the State of Emergency, was most often applied in person or via telephone, with the aim of gathering signatures of support for a particular party list participating in the elections, mostly under the threat of job dismissal or the loss of social benefits support.<sup>22</sup> CRTA only reported cases which it managed to confirm from multiple sources.<sup>23</sup>

### *Blurring the line between state and party activities*

According to the methodology of Transparency Serbia, a **public officials' campaign** is a form of activity in the pre-election period which is represented as the "regular agenda" of the public officials in question, but in fact, serves as a part of their political promotion. These are "promotional activities" – pseudo-events which have the specific goal of providing better media visibility and promotion of the public official, i.e., a camouflaged promotion of the parties they represent.<sup>24</sup> Monitoring conducted by this organisation shows that such activities were intensive during the election of 2020 – monitored public officials participated in 50% more promotional events during the first 50 days of the election campaign than at the same time in 2019.<sup>25</sup>

CRTA's monitoring shows that, from 12 to 24 May, different public officials appeared almost 250 times in public. This number more than tripled over the next three weeks – from 25 May to 14 June, CRTA's mission noted almost 800 situations across Serbia in which officials from various levels of government appeared in public. As these were not party gathering but alleged regular activities of officials, the interpretation of an intensive public officials' campaign during this period seems convincing.<sup>26</sup>

During the **State of Emergency**, concerns were raised due to the continuation of the election campaign by public officials, even though it had been formally suspended. As the

Centre for Free Elections and Democracy (CeSID) noted, the campaign actually started in a "grey zone", despite the long-term dialogue which insisted that a public officials' campaign should be completely avoided. The events that were not a part of the election campaign featured party slogans and political messages, with an indirect promotion of the Serbian Progressive Party and its programme.<sup>27</sup>

President Vučić was especially criticised for "accompanying" new COVID-19 ventilators to the cities of Novi Pazar and Niš. According to CeSID, it seems that the blurring of the lines between the positions from which the candidates address the public is continuing.

### *Abuse of public resources*

The work of the Anti-Corruption Agency, which decides on whether abuse of public resources occurred during the campaign, was once again controversial in this election cycle. By the end of July, the Agency decided that in 19 reported cases, the Serbian Progressive Party did not abuse resources, while this was determined to be the case only once. Transparency Serbia, which submitted several complaints, disagreed with the interpretation of the Agency which rejected them and underlined that the Director of the Agency,

Dragan Sikimić, was a donor to SNS, and its candidate for councillor and representative of the party during the Zemun local election.<sup>28</sup>

The case that attracted particular attention was the decision of the Government of Serbia to allocate 100 Euros (about 20% of the average salary) to every citizen of Serbia during the election campaign. The measure, justified by the expected economic decline due to the COVID-19 pandemic, amounted to several hundred million Euros, which is a significant part of the Serbian state budget. Previously, pensioners were given around 35 Euros in emergency support, and the ruling party sent letters to all pensioners in Serbia in May, taking the credit for the money allocated.<sup>29</sup>

22 CRTA: Preliminary Report of Election Day Monitoring, p. 10, <https://cрта.rs/wp-content/uploads/2020/06/Preliminarni-izve%C5%A1taj-o-monitoringu-izbornog-dana-za-parlamentarne-izbore-2020.-godine.pdf>. Accessed on 30 July, 2020.

23 CRTA: Long-Term Observers Report, p. 40, <https://cрта.rs/wp-content/uploads/2020/06/Izbori-2020-Izve%C5%A1taj-dugoro%C4%8Dnih-posmatra%C4%8Da-Crta.pdf>. Accessed on 30 July, 2020.

24 Transparency Serbia: Public Officials' Report, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/10712-funkcionerska-kampanja>. Accessed on 30 July, 2020.

25 It should also be taken into account that the number of promotional activities during the same period in 2019 was already higher than usual thanks to the Future of Serbia promotional campaign, led by President Vučić, with other public officials participating as well. Transparency, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/saoptenja/11499-intenzivna-funkcionerska-kampanja-odnela-primat-nad-predstavljanjem-izbornih-lista>. Accessed on 30 July, 2020.

26 CRTA: Preliminary Report of the Election Day Monitoring, p. 10, <https://cрта.rs/wp-content/uploads/2020/06/Preliminarni-izve%C5%A1taj-o-monitoringu-izbornog-dana-za-parlamentarne-izbore-2020.-godine.pdf>. Accessed on 30 July, 2020.

27 CeSID: An unprecedented election, <http://www.cesid.rs/wp-content/uploads/2020/05/Izbiri-kakve-jo%C5%A1-ne-poznajemo.pdf>. Accessed on 30 July, 2020.

28 Transparency Serbia: Agency approves a double abuse of the public officials' campaign, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/11441-agencija-odobrava-dvostruku-eksploataciju-funkcionerske-kampanje>. Accessed on 30 July, 2020.

29 Transparency Serbia: 100 Euros in the campaign, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/11443-100-evra-u-predizbornoj-kampanji>. Accessed on 30 July, 2020.

## PROBLEMS OBSERVED ON ELECTION DAY

On election day on 21 June 2020, CRTA's monitoring mission recorded serious irregularities which could impact on the results at 8 to 10% of the polling stations, which is multiple times more than during the parliamentary election of 2016 and the presidential election of 2017. It must be stressed, once again, that due to the boycott by the majority of the opposition, the ruling party virtually could not lose the election. Despite this, the number of irregularities increased.

***“The CRTA observation mission noted serious irregularities at 8 to 10% of polling stations, which is multiple times more than in the 2016 parliamentary election and the 2017 presidential election.”***

The larger number of irregularities was interpreted as the intention of the ruling party to increase turnout as much as possible, in order to mitigate the political effects of the boycott (there is no legal threshold of voter turnout). In that context, CRTA noted that the turnout would have been four percentage points lower if the irregularities had not been present.<sup>30</sup>

One of the most prominent forms of violation of the rules for holding the election in Serbia was the lack of respect for the “electoral silence”, which was also recorded by the ODIHR Special Election Assessment Mission.<sup>31</sup> Citizens were called on, via telephone or in-person, to go out and vote, which also fits the interpretation of an attempt to increase turnout.

During election day, CRTA reported three cases of voting with an already filled out ballot paper, as well as activities which point to the potential buying of votes. A video recording of a violation of the secrecy of voting in the municipality of Ub surfaced on the social networks as well, and CRTA filed a criminal charge against the perpetrator.<sup>32</sup>

***“The larger number of irregularities was interpreted as the intention of the ruling party to increase turnout as much as possible, in order to mitigate the political effects of the boycott.”***

Greater irregularities noted by CeSID at the polling stations included instances of parallel record-keeping of voters by people outside the stations, pressuring voters to vote for all levels of government, assaults at or in front of polling stations which required police intervention and disruption of the work of the polling board by people who were not its members or observers.<sup>33</sup>

## TWO WEEKS OF ESTABLISHING ELECTION RESULTS

Despite the projections of the results which had foreseen an unequivocal victory for the Serbian Progressive Party list, the final results were announced to citizens by the Republic Electoral Commission (RIK) only on 5 July, 2020, two weeks after the elections were held. This unprecedented long wait for the final results to be announced led to accusations from the opposition which had boycotted the election that the government was trying to rig the result; primarily the data on turnout.<sup>34</sup>

On 21 June election night, the President of the Serbian Progressive Party (SNS), Aleksandar Vučić, announced that the party had won over two million votes and that the turnout was just over 50%. Official figures were not available to the public until Friday, 26 June, when RIK announced the first provisional results.<sup>35</sup>

However, the final results were not known even then since voting was annulled at 234 polling stations (where a total of 203,012 voters had the right to vote, which is 3.08% of the total number of voters) due to irregularities rendering it impossible to establish the election results at these polling stations. These annulments set by far the biggest record in the number of annulled polling stations in the last 20 years. At the previous parliamentary election in 2016, voting was annulled at only 15 polling stations. Repeated elections at 234 polling stations were held on 1 July, without any impact on the election results.

30 CRTA: Preliminary Report of the Election Day Monitoring, p. 4, <https://cрта.rs/wp-content/uploads/2020/06/Preliminarni-izve%C5%A1taj-o-monitoringu-izbornog-dana-za-parlamentarne-izbore-2020.-godine.pdf>. Accessed on 30 July, 2020.

31 ODIHR: STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS, p. 4, <https://www.osce.org/files/f/documents/8/e/455155.pdf>. Accessed on 30 July, 2020.

32 N1: CRTA files a criminal charge of “assistance” in voting in Ub, <http://rs.n1info.com/lzbori-2020/a613631/CRTA-podnela-krivicu-prijavu-zbog-zajednickog-glasanja-u-Ubu.html>. Accessed on 30 July, 2020.

33 CeSID: Preliminary report of the monitoring mission, [http://www.ce-sid.rs/wp-content/uploads/2020/06/Preliminarni-izve%C5%A1taj\\_CeSID.pdf](http://www.ce-sid.rs/wp-content/uploads/2020/06/Preliminarni-izve%C5%A1taj_CeSID.pdf). Accessed on 30 July, 2020.

34 Danas: Tepić: Miladin Kovačević is rigging the turnout data, <https://www.danas.rs/politika/izbori-2020/tepic-podatke-o-izlaznosti-steluje-miladin-kovacevic/>. Accessed on 30 July, 2020.

35 RIK, <https://www.rik.parlament.gov.rs/vest/9246/osma-redovna-konferencija-za-novinare-republike-izborne-komisije.php>. Accessed on 30 July, 2020.

***“Voting was annulled at 234 polling stations, which is a clear record in the number of annulled polling stations in the last 20 years”***

The final results, released on 5 July, were not in line with President Vučić’s assessments from election night: the Serbian Progressive Party had won 50,000 votes short of 2 million, while the turnout was 48.9%.<sup>36</sup>

In addition to the Serbian Progressive Party, which won 60.65% of the vote, seats in the parliament had only been won by coalition partner the Socialist Party of Serbia (SPS), which won 10.38% and the Serbian Patriotic Alliance (SPAS) of the mayor of Novi Beograd, Aleksandar Šapić, with 3.83% of the votes. If the electoral threshold had not been reduced from 5% to 3% in February, only the ruling SNS-SPS coalition would have won seats in the National Assembly, not counting minority parties. The Serbian Progressive Party won 75% of the seats, while the entire incumbent SNS-SPS ruling coalition won 88%. Four minority parties, representing Hungarian, Bosniak, Macedonian and Albanian national minorities also won seats in the parliament.<sup>37</sup>

The opposition which boycotted the elections still does not recognise the official results, claiming that the official turnout, as a consequence of irregularities, was presented as significantly higher than was the case.<sup>38</sup>

***“The ruling parties - the Serbian Progressive Party and the Socialist Party of Serbia won seats in the Assembly (60.65% and 10.38%, respectively), together with the Serbian Patriotic Alliance of Aleksandar Šapić (3.83%). If the electoral threshold had not been reduced from 5% to 3% in February, the seats in the National Assembly would have been won only by the ruling coalition”***

36 RIK, <https://www.rik.parlament.gov.rs/extfile/sr/9395/lzvestaj%20o%20ukupnim%20rezultatima%20izbora%202020c.doc>. Accessed on 7 August, 2020.

37 RIK, <https://www.rik.parlament.gov.rs/vest/9434/saopstenje-za-javnost.php>. Accessed on 7 August, 2020.

38 Autonomija: Đilas: The lowest turnout in the last 20 years, <https://www.autonomija.info/djilas-na-junskim-izborima-u-srbiji-najmanja-izlaznost-u-poslednjih-20-godina.html>. Accessed on 30 June, 2020.

On the other hand, representatives of the “The Sovereignists” coalition, which took part in the election, filed complaints over the election results coming in from 2,700 polling stations (slightly less than a third of the total number of polling stations), claiming that the records from those polling stations were forged.

After the Republic Electoral Commission dismissed the complaints, they were taken to the Administrative Court, and the procedure is still mostly pending.<sup>39</sup> Irregularities were also reported by citizens who published photographs from polling stations which allegedly show manipulation of polling station records.<sup>40</sup>

***Allegations of COVID-19 data manipulation***

The circumstances in which the elections were held – the COVID-19 pandemic - made the entire process even more controversial.

In March and April, Serbia introduced some of the strictest measures in Europe to fight the pandemic, only to withdraw the majority of them in May, and those that remained in force were not implemented. However, just two weeks after the elections held on 21 June, the official numbers of confirmed cases and deaths had multiplied, and the government, which at the beginning of June had announced that the epidemic in Serbia was practically over, started to warn citizens that the situation was alarming.<sup>41</sup>

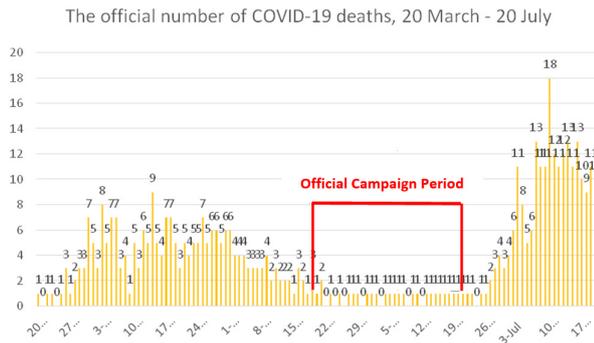
In the meantime, the Balkan Investigative Reporting Network (BIRN) reported on 22 June that the actual numbers of COVID-19 confirmed cases and deaths were significantly higher than the official ones and that this data was hidden from the public, especially during the election campaign.<sup>42</sup>

39 DJB filed a third appeal with the Constitutional Court against the decisions of the REC and the Administrative Court, <https://dostajebilo.rs/blog/2020/07/30/djb-podneo-trecu-zalbu-ustavnom-sudu-na-od-luke-rik-a-i-upravnog-suda/>. Accessed on 30 June, 2020.

40 Transparency Serbia, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/11507-zapisnici-birackih-odbora>. Accessed on 30 June, 2020.

41 EWB: Violent protests in Serbia as Vučić announces another lockdown after weeks of alleged pre-election cover-ups, <https://europeanwesternbalkans.com/2020/07/08/violent-protests-in-serbia-as-vucic-announces-another-lockdown-after-weeks-of-alleged-pre-election-cover-ups/>. Accessed on 4 August, 2020.

42 Balkan Insight: Serbia Under-Reported COVID-19 Deaths and Infections, Data Shows, <https://balkaninsight.com/2020/06/22/serbia-under-reported-covid-19-deaths-and-infections-data-shows/>. Accessed on 4 August, 2020.



Centre of Investigative Journalism of Serbia (CINS): Coronavirus in Serbia: Daily Updates, <https://www.cins.rs/en/coronavirus-in-serbia-daily-updates/>. Accessed on 7 August, 2020.

Even though the government denied these allegations, the public still does not have access to the official database, but only to data being published daily, despite the petition of several thousands of doctors to the government to publish the actual numbers of COVID-19 cases.

***“The Balkan Investigative Reporting Network (BIRN) reported on 22 June that the actual numbers of COVID-19 confirmed cases and deaths were significantly higher than the official ones and that this data was hidden from the public, especially during the election campaign”***

These circumstances have led to spontaneous protests by citizens after the announcement of President Vučić on 7 July that a lockdown would be re-introduced in Belgrade. The protests lasted for several days, marked by violent clashes between some of the protesters and the police, disproportionate use of force by the police and dozens of controversial arrests.

## **TO WHAT EXTENT DID THE MEDIATION OF THE EUROPEAN PARLIAMENT AFFECT ELECTORAL CONDITIONS?**

Recommendations for the improvement of election conditions which the government pledged to implement were listed in the Implementation Timetable. The last publicly available version of the Implementation Timetable is from December 2019.<sup>43</sup>

The recommendations can be grouped into five areas: 1) Prevention of the misuse of public resources. 2) Removal of discrepancies in the single electoral roll. 3) Additional training for the election administration. 4) Regulating the position of observers. 5) Media reporting.

<sup>43</sup> EU Delegation to Serbia: Implementation Table with New Proposals, [http://europa.rs/wp-content/uploads/2019/12/implementation-table-with-new-proposals-13\\_12\\_2019-lunch-time-final\\_SRB.pdf](http://europa.rs/wp-content/uploads/2019/12/implementation-table-with-new-proposals-13_12_2019-lunch-time-final_SRB.pdf). Accessed on 30 July, 2020.

All or almost all recommendations were formally implemented. However, the evaluation shows that they either did not cover all the areas, such as pressure on voters and cases of officials' campaigning, or they did not produce the expected outcome. Critics have repeatedly pointed out that the recommendations are limited only to amendments to relevant legal acts and the adoption of a recommendation but not directed to the actual implementation of established rules.

The **Regulatory Authority for Electronic Media** (REM) is the institution to which the highest number of recommended measures in the Implementation Timetable referred. However, the previously mentioned findings of media observers during the election period show that there were no indications that the situation in the media was improved. Firstly, criticism was directed towards the REM's decision to only publish non-binding recommendations for the private media (four out of six channels with national frequency) during the election campaign. In previous years, both public and private media were bound by REM's rulebook.

***“However, just like the previously mentioned findings of media observers during the election period have shown, there were no indications that the situation in the media was improved.”***

Another issue that has been noted relates to the report on the supervision of media broadcasters, conducted by the REM during the campaign.

The controversial methodology of the REM was especially highlighted in mid-May when its reports showed that out of the total broadcasting time, 15% had been dedicated to the Alliance for Serbia, and 9% to the “Aleksandar Vučić - For our children” party list. The reports, however, did not include Aleksandar Vučić's appearance in the media - not formally a candidate in the elections.<sup>44</sup> BIRODI has also pointed out that the REM's methodology does not include the tonality (positive, negative or neutral) in which the media reported on the activities of the political actors.

The Alliance for Serbia also expressed criticism towards the REM's monitoring. It stated that the REM was equating the time dedicated to the opposition on television with national frequency and cable television, N1 and Nova S, which a significantly smaller number of households in Serbia have access to.<sup>45</sup>

<sup>44</sup> REM: <http://www.rem.rs/uploads/files/Izbori%202020/Izbori%202020%20-%20treci%20presek%2011-15.05.2020.pdf>. Accessed on 31 July, 2020.

<sup>45</sup> EWB: BIRODI: REM does not measure the representation of Vučić, the media are still without balance, <https://europeanwestern-balkans.rs/birodi-rem-ne-meri-zastupljenost-vucica-mediji-dal-je-bez-balansa/>. Accessed on 31 May, 2020.

The role of the **Supervisory Board of the National Assembly** was also questionable. Its establishment was envisaged by the Law on the Election of Members of the Parliament, as one of the recommendations of the Implementation Timetable.

Although it did not have the authority to impose formal sanctions, the Supervisory Board was supposed to preserve its credibility by publicly pointing out the shortcomings of the election campaign.

One of the main objections was addressed to the membership of the Supervisory Board, which was composed of several publicly declared supporters of the Serbian Progressive Party. The actor, Svetislav Gončić, the Serbian Progressive Party's candidate for councillor in previous elections in Belgrade and narrator of party election videos, was appointed Chairman of the Supervisory Board.

The work of this body was left completely unnoticed by the public, which made its role meaningless. The limited information about its sessions was made known to the public only due to the fact that they were published on the website of the National Assembly, at the request of Transparency Serbia.<sup>46</sup>

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46 Transparency Serbia: Information on Supervisory Board, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/11472-informacije-o-nadzornom-odboru-na-sajtu-parlamenta>. Accessed on 31 May, 2020.

## CONCLUSION

The June 2020 parliamentary election has undoubtedly been the most contested election in Serbia since the democratic changes of twenty years ago. The manner and circumstances in which it was held must raise serious concerns regarding the direction in which Serbian democracy is moving, as well as pose the question of whether today's Serbia can even be labelled a liberal democracy with a multi-party system.

Almost all the mentioned deficiencies were not the result of technical errors or imperfections of the electoral process, rather an evident result of the lack of political will to hold free and fair elections. It is especially indicative that these elections had a record number of irregularities and controversies despite the fact that their winner was never in doubt, and that they had been preceded by a months-long EP-mediated dialogue during which the government committed itself to improving electoral conditions.

Instead of improvement of electoral conditions, we have seen hasty changes to the electoral system which violated the principles of the Venice Commission, very intensive in-office campaigning, and most probably a manipulation of official statistics on the COVID-19 pandemic for political gains. In the end, we have also seen elections with a record number of irregularities, as well as electoral results which by themselves raise questions about the democratic nature of Serbia's political system.

Lack of trust in the electoral process, as well as an unrepresentative parliament, whose composition does not correspond to the relations of the political forces in this society, will have an effect on deepening the political crisis, having in mind that dissatisfaction will not be channelled through political institutions.

Having all this in mind, the challenges of establishing conditions for free and fair elections and the return of the democratic process will be far greater than they were when the representatives of the European Parliament initially started the dialogue between the ruling parties and the opposition. On the other hand, the importance of such a role of the European Parliament and the European Union in resolving the political crisis in a candidate country has increased at the same time, as it is necessary for keeping the idea of Serbia's EU accession alive. This could also be seen in a letter to EU institutions sent by representatives of the boycotting opposition, in which the continuation of the mediation process was demanded.

Thus, the following recommendations for next steps by the EU in order to resolve the political crisis in Serbia and establish conditions for free elections in Serbia can be formulated:

1. Dialogue under the auspices of the European Union or the European Parliament must continue, as it represents the best mechanism of negotiations on improving electoral conditions that has so far been used in the Western Balkans.
2. The dialogue must include all relevant political parties and associations.
3. It must be focused on fundamental issues for the establishment of conditions for free and fair elections, as well as on implementation. These issues, as seen in the campaign, must include the issues of pressure on voters, the role of the president within parliamentary and local elections, as well as methodology for monitoring the media within the election campaign.
4. The European Union can support the dialogue process through mapping key problems in the electoral process, as well as on related issues of the rule of law and media freedom, through its own reports.
5. The European Union should use mechanisms at its disposal, as well as create new ones, in order to pressure the Serbian government to accept this dialogue and find political will for compromise.
6. The European Parliament should send its observation mission to the next elections in Serbia, while ODIHR should observe the elections in a maximum capacity, as was originally planned for the 2020 elections.
7. The dialogue on electoral conditions must be held within a timeframe that would allow enough time for agreements to be implemented and have the desired effect.
8. The dialogue should strive towards a consensus of all participants regarding the composition of institutions that implement and oversee the electoral process.





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## SERBIAN ELECTION 2020

### Erosion of Trust in the Democratic Process



The ruling Serbian Progressive Party achieved a victory by winning 75.2% of seats in the June 2020 parliamentary election, boycotted by most of the opposition and after which there will be almost no parliamentary opposition.



Numerous irregularities which greatly influenced the electoral outcome were documented on election day and during the electoral campaign, which unofficially continued during the State of Emergency.



A dialogue on electoral conditions, mediated by representatives of the European Parliament, did not achieve significant results, as most of the opposition parties stood behind their decision to boycott the election, while electoral conditions did not improve. The political crisis in Serbia will continue and deepen after the election, demanding additional engagement from the European Union.

More information about this subject:  
[www.fes-serbia.org](http://www.fes-serbia.org)