ANALYSIS

DEMOCRACY AND HUMAN RIGHTS

SERBIAN ELECTIONS 2022

Back to Pluralism, but not Democracy

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July 2022

Early parliamentary and regular presidential and local elections in Belgrade and several other municipalities were held in Serbia on 3 April 2022

Incumbent Aleksandar Vučić convincingly won in the first round of presidential elections, but for the first time since 2014 his SNS now requires a coalition to form a government. SNS and its former allies won a narrow majority in Belgrade

Elections brought back political pluralism but were marred by irregularities and controversy including an unprecedented delay in determining the final results, showing no clear signs of improvement in electoral conditions despite inter-party dialogue

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INTRODUCTION

On 3 April, 2022 early parliamentary and regular presidential elections were held in Serbia, together with local elections in the City of Belgrade and several other municipalities. The elections were believed to be a watershed moment for the future of Serbian democracy following previously held inter-party dialogues aimed at improving electoral conditions. These were also the first elections since 2016 where the opposition challenged the ruling parties at a national level and had a realistic chance of victory in Belgrade.

The majority of the opposition boycotted the 2020 parliamentary and local elections, as well as the first phase of the inter-party dialogue mediated by the European Parliament, held ahead of the elections. The boycott led to a practically single-party parliament in which the ruling majority had 243 out of 250 seats. Since the new government's legitimacy was brought into question, President Vučić announced new parliamentary elections by spring 2022. This led to a new phase of the EP-mediated inter-party dialogue, as well as a "without foreigners" parallel dialogue track aimed at improving electoral conditions, this time with the entire opposition taking part in one or the other process.

The spotlight was on the April 2022 elections both as a test for electoral conditions and Serbia's EU perspective, given the stalemate in the EU accession process and EU institutions focus on inter-party dialogue. The success of the dialogue and the return of a functional multiparty democracy were seen as crucial conditions for Serbia's progress towards EU membership.

The elections did not lead to the electoral defeat of President Vučić and his Serbian Progressive Party (SNS) on any level but did weaken their previously firm control over the government and changed political dynamics in the country. Vučić's victory was clearest in the presidential election, where he won 58.6% of the vote in the first round, followed by opposition candidate Zdravko Ponoš with 18.4%.

This success, however, was not replicated in parliamentary and Belgrade elections. The SNS parliamentary list won 44.3% of the vote and 120 seats, followed by the United for Victory of Serbia opposition coalition with 14.1% and 38 seats and the Socialist Party of Serbia with 11.8%, 31 seats. Several other opposition lists entered parliament, most of which were right-wing or pro-Russian. The results meant that SNS was left without a majority and forced to form a coalition for the first time since 2014. The situation was further complicated by the war in Ukraine and expectations from Serbia to join EU sanctions against Russia, a move opposed by practically all SNS' potential coalition partners.

In Belgrade SNS won 48 seats and its current coalition partners SPS won 8 seats, giving them the narrowest possible majority for forming a city government (56/110). The government was indeed formed in late June with SNS candidate Aleksandar Šapić becoming mayor, but the narrow majority and complications at national level have made it unclear whether there might be new elections in Belgrade in the near future.

Media bias, irregularities and much controversy, including an unprecedented delay in determining the election results, have brought into question improvements in electoral conditions through the inter-party dialogues. While the election results did indeed bring back political pluralism in the country and weaken the grip of the ruling SNS, the effect of the elections on the quality of Serbian democracy are inconclusive at best.

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THE INTER-PARTY DIALOGUE(S)

An Inter-Party Dialogue (IPD) on electoral conditions in Serbia mediated by the European Parliament was launched in the fall of 2019 after a considerable number of opposition parties announced a boycott of the elections scheduled for 2020. Some measures were formally adopted in the process but the elections held on 21 June, 2020 nevertheless significantly diverged from democratic standards and featured a substantial number of irregularities.[1] After parliament was left almost entirely without opposition, all key EU institutions called for the continuation of the IPD.[2]

The second phase officially began on 1 March, 2021.[3] The co-facilitators of the Dialogue, as in the first phase, were MEPs Tanja Fajon and Vladimír Bilčík and their retired colleagues Knut Fleckenstein and Eduard Kukan (who passed away in February 2022). Ivica Dačić, as the new Speaker of the National Assembly of Serbia, succeeded Maja Gojković as one of the co-facilitators.

This time, all those who had boycotted the 2020 elections participated in the second phase of the IPD. However, despite calls for the entire opposition to rally around a common demand for the improvement of electoral conditions, three groups of opposition parties gathered on three separate platforms.[4] Their common elements included a demand for more balanced media reporting, a stop to pressurising voters, and the holding of local and national elections separately. Some opposition parties participated in the Dialogue individually and in addition to these, representatives of all parliamentary groups were also included.

"THE MAIN SHORTCOMINGS OF THE INTER-PARTY DIALOGUE WERE ITS PACE, FORMAT AND THE CONTENT OF MANY OF THE PROPOSED MEASURES"

The format of the Dialogue was problematic due to the status of Ivica Dačić. Some observers pointed out that Dačić, who was the President of the ruling Socialist Party of Serbia, could not co-facilitate the Dialogue in good faith[5] and he significantly affected the outcome of the process given that the co-facilitators from the European Parliament had to cooperate with him in drafting measures for the improvement of electoral conditions.[6]

Another problematic aspect of the IPD was its pace. Although the elections were held on 21 June, 2020, the Dialogue was officially resumed only on 1 March, 2021, while work on concrete measures to improve electoral conditions began only after the first live meeting in Belgrade on 9 and 10 July, 2021, just nine months before the announced election date. Live meetings could not be held earlier because MEPs were not allowed to travel in their official capacity due to the COVID-19 pandemic. Representatives of the opposition and civil society assessed on several occasions that the Dialogue was moving too slowly, but potential ways to speed it up were not officially considered.[7]

Finally, the third problematic aspect was the content of the measures themselves. They were adopted by co-facilitators (not participants) after a two-day meeting on 17 and 18 Sep-

1 "Serbian Elections 2020: Erosion of Trust in the Democratic Process", Friedrich Ebert Stieftung, 20 May, 2022, http://library.fes.de/pdf-files/bueros/belgrad/16460.pdf

2 "POSP: Nastavak međustranačkog dijaloga prioritet Evropske unije" [SAPC: The continuation of Inter-Party Dialogue a priority of the European Union], European Western Balkans, 20 May, 2022, https://europeanwesternbalkans.rs/posp-nastavak-medjustranackog-dijaloga-prioritet-evropske-unije/

3 Latest news, European Parliament Global Democracy Support, 20 May, 2022, https://www.europarl.europa.eu/globaldemocracysupport/en/mediation-and-dialogue/latest-news

4 Kakve mere evropski posrednici treba da predlože da bi dijalog „položio popravni"? [Which measures should European mediators propose for the dialogue to pass a retake examination], European Western Balkans, 20 May, 2022, https://europeanwesternbalkans.rs/kakve-mere-evropski-posrednici-treba-da-predloze-da-bi-dijalog-polozio-popravni/

5 "Milivojević: Vučić može biti posrednik u dijalogu samo ako podnese ostavku u SNS" [Milivojević: Vučić can mediate the dialogue only if he resigns as SNS leader], N1, 20 May, 2022, https://rs.n1info.com/vesti/milivojevic-vucic-moze-biti-posrednik-u-dijalogu-samo-ako-podnese-ostavku-u-sns/

6 "Đilas: SSP neće potpisati dokument EP za unapređenje izbornih uslova" [Đilas: SSP will not sign the EP document on the improvement of electoral conditions], Radio Free Europe, 20 May, 2022, https://www.slobodnaevropa.org/a/srbija-opozicija-ssp-izbori/31449716.html

7 "Raša Nedeljkov: Početak dijaloga vlasti i opozicije već kasni" [Raša Nedeljkov: The beginning of the dialogue between government and opposition is already late], Danas, 20 May, 2022, https://www.danas.rs/vesti/drustvo/rasa-nedeljkov-pocetak-dijaloga-vlasti-i-opozicije-vec-kasni/; "Da li dijalog vlasti i opozicije nepovratno kasni?" [Is it too late for a dialogue between government and opposition?], Nova, 20 May, 2022, https://nova.rs/emisije/da-li-dijalog-vlasti-i-opozicije-nepovratno-kasni/

tember, 2021.[8] Immediately after the announcement of the measures, most of the opposition withdrew from the dialogue and refused to participate in their implementation, assessing that they would be insufficient to improve the electoral process.[9] An example of the difference between the opposition's requests and the outcome of the dialogue was one of the key measures - the establishment of a Temporary Supervisory Body (TSB) for monitoring the media during the campaign. Half of its members were nominated by the Regulatory Authority for Electronic Media (REM) even though the opposition had made its lack of confidence in REM clear.

In addition to the establishment of the TSB, six other measures tackled media reporting, mostly amending existing rules prescribed by REM. Legal changes were proposed in an attempt to prevent blurring of the lines between public office activities and party promotion. In the area of pressurising voters, Serbian authorities were vaguely encouraged to ensure that there are "sufficient procedures to prevent and investigate pressure". Other measures focused on the work of the election administration, the Single Electoral Roll, and campaign financing.

After most opposition parties withdrew from the Dialogue, the process of implementing- the measures was far less in the public eye than previous phases. All six measures for which deadlines had been set were implemented with significant delays, and almost all measures were only implemented at the beginning of 2022, less than three months before the elections.[10] In the end, 14 out of the 16 measures adopted by the IPD co-facilitators were implemented.

"ALL SIX MEASURES WITH DEADLINES WERE IMPLEMENTED WITH SIGNIFICANT DELAYS, AND ALMOST ALL MEASURES WERE IMPLEMENTED LESS THAN THREE MONTHS BEFORE THE ELECTIONS"

In addition to the IPD, in February 2021 the ruling parties announced a new process – a dialogue "without the participation of foreigners" with anti-EU right-wing parties, most of which had participated in the 2020 elections. The motives for "duplicating" the dialogue were controversial.[11] A part of the public saw this process as an attempt to marginalise the IPD.[12] On 29 October, 2021, participants in the dialogue signed an agreement on the improvement of electoral conditions.[13] Some of the agreed measures overlapped with measures adopted in the IPD, while other measures partially overlapped with some of the recommendations made by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in the 2020 report on Serbia's elections.

None of the "lanes" of the dialogue even partially fulfilled the demands of the opposition regarding the media, which opposition participants in both processes acknowledged. Those sets of measures accepted by the government, as can be seen below, failed to eliminate the problems in media reporting. Regarding other politically substantial issues - pressure on voters, abuse of public office and the separation of local and national elections - measures were either not foreseen at all or were vague and ineffective. Measures focusing on other areas of the election process - the Single Electoral Roll, campaign financing, election administration – had a somewhat greater impact on the election process but, as subsequent sections of this report show, problems continued to arise in these areas, as well.

"NONE OF THE DIALOGUE "LANES" EVEN PARTIALLY FULFILLED THE DEMANDS OF THE OPPOSITION REGARDING THE MEDIA"

All this leads to the conclusion that the ruling parties once again lacked the political will to substantially improve electoral conditions.

8 Measures to improve the conduct of the electoral process, European Parliament, 20 May, 2022, https://www.europarl.europa.eu/cmsdata/239540/Measures%20to%20improve%20the%20conduct%20of%20the%20electoral%20process%2018%20Sept.pdf

9 "Deo opozicionih stranaka u Srbiji napustio dijalog vlasti i opozicije" [A part of the opposition parties in Serbia withdraws from the dialogue between government and opposition], Radio Free Europe, 20 May, 2022, https://www.slobodnaevropa.org/a/srbija-izbori-dijalog-vucic-opozicija/31465211.html

10 "Delays and criticism cast shadow over EU's initial positive assessments of the Inter-Party Dialogue in Serbia", European Western Balkans, 20 May, 2022, https://europeanwesternbalkans.com/2021/11/26/delays-and-criticism-cast-shadow-over-eus-initial-positive-assessments-of-the-inter-party-dialogue-in-serbia/

11 "Međustranački dijalog na dva koloseka - dobra ideja ili promena formata?" [IPD in two lanes - good idea or a change of format?], RTV, 20 May, 2022, https://www.rtv.rs/sr_lat/politika/medjustranacki-dijalog-na-dva-koloseka-dobra-ideja-ili-promena-formata_1205515.html

12 "Nova odlaganja međupartijskog dijaloga, početak tek u drugoj polovini marta?" [New delays in Inter-Party Dialogue, the start in only the second half of March?], European Western Balkans, 20 May, 2022, https://europeanwesternbalkans.rs/nova-odlaganja-medjupartijskog-dijaloga-pocetak-tek-u-drugoj-polovini-marta/

13 Sporazum o unapređenju uslova za održavanje izbora, Narodna skupština Republike Srbije, 20 May, 2022, http://www.parlament.gov.rs/upload/documents/dokumenta/013-217_21_Sporazum.pdf

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ELECTORAL CAMPAIGN

The electoral campaign began on 15 February with the prompt gathering of thousands of signatures for the ballot lists by the ruling parties. This raised questions over whether the ruling parties had prepared in advance[14] since the signing and verification of the ballot lists took place on Statehood Day of the Republic of Serbia - a public holiday - when notaries offices were closed, meaning any irregular office hours would have to have been scheduled in advance.[15]

Out of a total of 19 confirmed lists by the Republic Electoral Commission, the main opposition parties to have boycotted the previous elections were together in the United for the Victory of Serbia[16] coalition and the green-left coalition Moramo[17]. On the right-wing, the main opposition coalition and parties were - NADA[18], Zavetnici, Suverenisti and the coalition around Dveri.[19]

A total of eight candidates ran for President: Aleksandar Vučić as the ruling coalition candidate, two candidates from the pro-EU opposition: Zdravko Ponoš (United Opposition) and Biljana Stojković (Moramo), as well as several candidates from right-wing parties: Miša Vacić, Branka Stamenković, Milica Đurđević Stamenkovski, Miloš Jovanović and Boško Obradović. The election observers noted that the elections took place in a highly polarised political environment.[20]

Rio Tinto Protests and Referendum Results as Encouragement for the Opposition

The announced amendments to the Law on Expropriation and Law on Referendum, as well as amendments to the local town planning project to meet the needs of lithium mining by Rio Tinto, sparked environmental protests in September 2021. At first peaceful and based in Western Serbia, the protests escalated and spread to Belgrade and throughout Serbia due to the adoption of these amendments, resulting in mass protests and road blockades.

"ENVIRONMENTAL PROTESTS ESCALATED AND SPREAD TO BELGRADE AND THROUGHOUT SERBIA IN NOVEMBER AND DECEMBER 2021"

The protests resulted in the withdrawal of the Law on Expropriation, a change to the amendments to the Law on Referendum, and cancellation of the local town planning project, as well as the cancellation of all administrative acts related to the Rio Tinto project.[21] The protests also generated a united front of environmental activists, supporters, and civic movements, which went hand in hand with the formation of the coalition Moramo, in the media labelled the "green-left" bloc.[22]

Voting in the Constitutional Referendum at the beginning of 2022 and its results also encouraged the opposition. As the government and ruling parties called on citizens to vote for the changes, the opposition expressed the view that citizens should either vote for "no" or boycott the vote altogether. Although the results were 57% for "yes" and 39% for "no", the turnout was the lowest in the last 30 years – 30% - a good sign for the opposition as it headed into its election campaign.[23]

14 The official confirmation of the first ballot list Aleksandar Vučić – Together We Can Do Everything, supported by 58,000 signatures and the second ballot list Ivica Dačić — Prime Minister of Serbia, supported by 20,000 signatures, began shortly after the elections announcement.

15 "Kako su SNS i SPS tako brzo sakupili potpise građana za svoje liste?" [How did the SNS and SPS collect citizens' signatures for their lists so quickly?], Danas, 3 May, 2022, https://www.danas.rs/vesti/politika/izbori22/kako-su-sns-i-sps-tako-brzo-sakupili-potpise-gradjana-za-svoje-liste/

16 Led by the Freedom and Justice Party (SSP), People's Party (NS), Democratic Party (DS) and Movement of Free Citizens (PSG).

17 Led by Do not Let Belgrade Drown (NDBGD), Ecological Uprising and Together for Serbia (ZZS).

18 Coalition of Democratic Party of Serbia (DSS) and Kingdom of Serbia Renewal Movement (POKS).

19 Republička izborna komisija [Republic Electoral Commission], 3 May, 2022, https://www.rik.parlament.gov.rs/dokumenta/41985/document-type-2/election-round-0/additional-document-1/municipality-id-0/election-station-0/order-2/sort-1

20 "Serbia's elections offered diverse political options, but shortcomings led to an uneven playing field, international observers say", 3 May, 2022, https://www.osce.org/odihr/elections/515171

21 "Vučić: Ispunili smo sve ekološke zahteve" [Vučić: We have fulfilled all environmental demands], Radio Slobodna Evropa, 3 May, 2022, https://www.slobodnaevropa.org/a/vu%C4%8Di%C4%87-ispunili-smo-sve-ekolo%C5%A1ke-zahteve/31603172.html

22 "Zelenović i Ćuta potpisali sporazum, 'zeleno-levi' blok izlazi na izbore" [Zelenović and Ćuta sign agreement - the "green-left" bloc is going to the polls], 3 May, 2022, N1 https://rs.n1info.com/vesti/zelenovic-i-cuta-potpisali-sporazum-zeleno-levi-blok-izlazi-na-izbore/

23 "Referendumi u Srbiji – o čemu smo se do sada izjašnjavali" [Referendums in Serbia - what we have said so far], Crta, 3 May, 2022, https://crta.rs/referendumi-u-srbiji-o-cemu-smo-se-izjasnjavali/

Election Topics and Impact of the War in Ukraine

Although the environment, rule of law and the fight against corruption topics were predominant before and at the start of the election campaign,[24] Russia's invasion of Ukraine came mid-campaign and shifted public discourse towards security, economic crisis, relations with Russia and Serbia's membership of the EU.[25] [26]

The ruling party insisted on show-casing results achieved and so one of the campaign messages was *"Actions Speak for Themselves"*. However, an even more meaningful and timely message was *"Peace. Stability. Vučić."*, given the situation in Ukraine. On the other hand, the opposition focused on criticising the regime for corruption, authoritarian rule, and the environment. Therefore, the messages were *"Serbia Is Not For Sale"*, *"I must, for the earth, air, water, and freedom"*, *"To Live Normally"*, and *"United Serbia"*, in accordance with the socio-political setting and backdrop of international events as the elections took place.

"RUSSIAN INVASION OF UKRAINE SHIFTED PUBLIC DISCOURSE TOWARDS SECURITY, ECONOMIC CRISIS, RELATIONS WITH RUSSIA AND SERBIA'S MEMBERSHIP OF THE EU"

The election campaign for the City of Belgrade was overshadowed by the presidential and parliamentary campaigns, which became especially noticeable after the start of the war in Ukraine. This was due to the ruling parties' decision to hold presidential and parliamentary elections simultaneously, which the opposition and CSOs urged them not to do.

Kosovo Voting Issue

For the first time since Kosovo's declaration of independence, Serbian voters were unable to exercise their right to vote in presidential and parliamentary elections, as happened with voting on the Constitutional Referendum.[27] As the Government of Kosovo stated, Serbia did not officially request that Kosovo allow the elections to take place on its territory, as it does not recognise Kosovo's independence.[28]

On election day, buses were organised to transport voters from Kosovo to one of the four Serbian towns - Tutin, Raška, Kuršumlija, and Bujanovac - to vote in one of the 46 polling stations.[29] Out of 93,527 voters, voting rights were exercised by 21%.[30] [31] As observers noted, this is a significant reduction from the 57% turnout in 2020, indicating that many voters were deterred from voting, and which to some extent cost the ruling parties which take most of the Kosovo Serbs vote.[32]

Electoral Conditions

Despite the inter-party dialogues, electoral conditions did not significantly improve. The election campaign was marred by numerous problems, from biased media representation and functionary campaign to abuse of state resources and bribery.

Domestic and international observers noted that the election campaign was overall inclusive with the eight presidential candidates standing; 8 minority lists - of the 19 parliamentary lists - with a total number of 2,912 candidates registered; more than 43% of female candidates, as well as diverse political options.[33]

Many problems marred the representation of the political parties, however, as biased editorial policies in the public and several mainstream private media were noted, as well as the passive role of the Electronic Media Regulatory Authority (REM), together with one of the greatest challenges - limited media representation.[34]

The booming role of internet sources and online media marked this campaign. According to data published by Facebook, the Serbian Progressive Party spent 80,000 euros in the first month of the campaign on Facebook ads and promotion.[35] However, television was the primary source of information.

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24 "Izborna kampanja u Srbiji u senci rata u Ukrajini" [Election campaign in Serbia in the shadow of the war in Ukraine], DW, 3 May, 2022, https://www.dw.com/sr/izborna-kampanja-u-srbiji-u-senci-rata-u-ukrajini/a-61159223

25 "ENEMO International Election Observation Mission Presidential and Early Parliamentary Elections, 03 April - Serbia 2022", ENEMO, 3 May, 2022, http://enemo.eu/uploads/file-manager/ENEMOStatementofPreliminaryFindingsandConclusionsSerbia2022.pdf

26 "Serbia's elections offered diverse political options, but shortcomings led to an uneven playing field, international observers say", 3 May, 2022, https://www.osce.org/odihr/elections/515171

27 "Izbori u Srbiji: Ko ima korist, a ko štetu od neodržavanja glasanja na Kosovu" [Elections in Serbia: Who benefits and who loses from not voting in Kosovo], BBC, 3 May, 2022, https://www.bbc.com/serbian/lat/balkan-60879505

28 "Kurti: Za održavanje srpskih izbora na Kosovu potreban dogovor Prištine i Beograda" [Kurti: An agreement between Pristina and Belgrade is needed to hold Serbian elections in Kosovo], Radio Slobodna Evropa, 3 May, 2022, https://www.slobodnaevropa.org/a/kosovo-srbija-izbori/31764662.html

29 "Srbi sa Kosova organizovanim prevozom u Srbiju na glasanje" [Serbs from Kosovo by organized transport to Serbia to vote], Radio Slobodna Evropa, 3 May, 2022, https://www.slobodnaevropa.org/a/srbi-kosovo-glasanje-organizovani-prevoz/31783469.html

30 "Vučić kod birača sa Kosova – 81%, SNS – 64%, izlaznost – 21% (preliminarno)" [Vučić among voters from Kosovo - 81%, SNS - 64%, turnout - 21% (preliminary)], Kossev, 3 May, 2022, https://kossev.info/vucic-kod-biraca-sa-kosova-81-sns-64-izlaznost-21/

31 "Za SNS glasalo 12.600 birača s Kosova i Metohije, za Vučića 15.850" [12,600 voters from Kosovo and Metohija voted for SNS, and 15,850 for Vučić], Danas, 3 May, 2022, https://www.danas.rs/vesti/politika/izbori22/za-sns-glasalo-12-600-biraca-s-kosova-i-metohije-za-vucica-15-850/

32 "How did Serbian citizens in Kosovo vote: Turnout severely affected by impractical voting arrangement", New Social Initiative, 3 May, 2022, http://newsocialinitiative.org/2022/04/06/how-did-the-serbian-citizens-in-kosovo-vote/

33 "Serbia's elections offered diverse political options, but shortcomings led to an uneven playing field, international observers say", Parliamentary Assembly of the Council of Europe, 3 May, 2022, https://pace.coe.int/en/news/8663/serbia-s-elections-offered-diverse-political-options-but-shortcomings-led-to-an-uneven-playing-field-international-observers-say

34 "ENEMO International Election Observation Mission Presidential and Early Parliamentary Elections, 03 April - Serbia 2022", ENEMO, 3, May 2022, http://enemo.eu/uploads/file-manager/ENEMOStatementofPreliminaryFindingsandConclusionsSerbia2022.pdf

35 "Monitoring izbora 2022 - TS predstavila prve nalaze" [Election Monitoring 2022 - TS presented the first findings], Transparentnost Srbija, 3 May, 2022, https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/naslovna/12234-monitoring-izbora-2022-ts-predstavila-prve-nalaze

"THE BOOMING ROLE OF INTERNET SOURCES AND ONLINE MEDIA MARKED THIS CAMPAIGN"

Crta noted that during the period before the start of the election campaign pluralism in the media was non-existent, while after the initiation of the campaign the trend changed in favour of the opposition parties due to the mandatory election segment.[36] Of the presidential candidates, Aleksandar Vučić once again dominated media coverage – 74% of the total time, combining the roles of President and presidential candidate.[37] Concerning the printed media, Transparency Serbia stated that over 45 days of election campaigning, Vučić appeared on 308 occasions, of which 85% were in a positive light, followed by Zdravko Ponoš with 30 appearances of which only 37% were positive.[38]

Pressure on voters continued through this election campaign. According to Crta's research, on numerous occasions those working in the public sector were most exposed to voter pressure, followed by minorities and socio-economically vulnerable groups, primarily Roma citizens.[39]

Transparency Serbia noted that the presidential and parliamentary electoral campaign was the most expensive since 2004, with a total of 15.7 million euros allocated from the budget of Serbia, amounting to more than 18 million euros after donations.[40]

The election campaign was characterised as a "functionary campaign" as officials often combined their functions with party activities, from statements for newspapers and TV to official engagements.[41]

"THE ELECTION CAMPAIGN WAS CHARACTERISED AS A "FUNCTIONARY CAMPAIGN" AS OFFICIALS OFTEN COMBINED THEIR FUNCTIONS WITH PARTY ACTIVITIES"

This was especially noticeable in the case of President Aleksandar Vučić as it granted him considerable public exposure without clear differentiation of his roles.[42] It was also perceived that most public and private broadcasters with national coverage favoured the President and the ruling coalition.[43]

Similar to 2020[44], at the beginning of 2022 the government announced financial aid of 100 EUR in February for Serbian citizens aged 16 to 29 to mitigate the effects of the pandemic. Just before the elections President Vučić announced that if he won the elections the government would provide additional financial assistance of the same amount.

"VUČIĆ ANNOUNCED THAT IF HE WON THE ELECTIONS, THE GOVERNMENT WOULD PROVIDE ADDITIONAL FINANCIAL ASSISTANCE TO YOUTH"

A similar policy was announced for pensioners who received 20,000 RSD (170 EUR) in February . This was widely interpreted as abuse of public resources for election purposes.[45]

36 "Drugi preliminarni izveštaj o izbornoj kampanji" [Second preliminary report on the election campaign], Crta, 3 May, 2022, https://crta.rs/wp-content/uploads/2022/03/Drugi-izvestaj-o-kampanji-Posmatracke-misije-Crte_15-februar_25-mart_2022-godine.pdf

37 Ibid.

38 "Izrazita medijska dominacija vladajuće stranke i kandidata kroz funkcionersku kampanju i plaćeno oglašavanje"[Substantial media domination of the ruling party and candidates through a functionary campaign and paid advertising], 3 May, 2022, Transparentnost Srbija, https://izbori.transparentnost.org.rs/izrazita-medijska-dominacija-vladajuce-stranke-i-kandidata-kroz-funkcionersku-kampanju-i-placeno-oglasavanje/

39 "Drugi preliminarni izveštaj dugoročnih posmatrača" [Second preliminary report of long-term observers], Crta 3 May, 2022, https://crta.rs/wp-content/uploads/2022/03/Drugi-izvestaj-o-kampanji-Posmatracke-misije-Crte_15-februar_25-mart_2022-godine.pdf

40 "Transparentnost: Najskuplja kampanja od 2004, građane košta 15,7 miliona evra" [Transparency: The most expensive campaign since 2004, costs citizens 15.7 million euros], N1, 3 May, 2022, https://rs.n1info.com/izbori-2022/transparentnost-najskuplja-kampanja-od-2004-gradjane-kosta-157-miliona-evra/

41 "Monitoring izbora 2022 – TS predstavila prve nalaze" [Election Monitoring 2022 - TS presents first findings], Transparentnost Srbija, 3 May, 2022, https://izbori.transparentnost.org.rs/monitoring-izbora-2022-ts-predstavila-prve-nalaze/

42 "ENEMO International Election Observation Mission Presidential and Early Parliamentary Elections, 03 April - Serbia 2022", ENEMO, 3 May, 2022, http://enemo.eu/uploads/file-manager/ENEMOStatementofPreliminaryFindingsandConclusionsSerbia2022.pdf

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4

ELECTIONS AND RESULTS

The parliamentary elections saw a turnout of 3,810,559 voters, making up 58.6%, a significantly higher number compared to 2020 when most opposition parties boycotted the elections. Furthermore, two per cent more cast their votes compared to the 2016 parliamentary elections and turnout recorded in the presidential elections, 58.6%, was also higher compared to the 2017 presidential elections. One hundred thousand more people exercised their right to vote in the Belgrade elections compared to the last local elections in 2018.[46]

According to Crta observation mission results, the elections took place in an atmosphere full of tensions that occasionally escalated to physical violence. On election day the president of opposition party PSG, Pavle Grbović, and several other NDBGD activists were physically attacked. Additionally, the media reported on a series of verbal clashes and intimidation of opposition observers and the Crta observation mission, both by polling station members and by third parties present at polling stations.

According to the elections Crta observation mission preliminary report, the day was extremely poorly organised as a result of the continuous collapse of the integrity of the election process as a whole.[47] The most common irregularity was the maintenance of parallel voter lists in 11% of polling stations. In addition to this, one of the most frequently noted irregularities concerned violations of procedures for voting outside the polling station, which was recorded in Serbia at 12%, and in Belgrade at 10%.

On April 3, a considerable number of vehicles were seen circling the polling stations, which indicates some of the types of widespread pressure on voters. People gathered around polling stations prompting allegations of vote-buying or the so-called „Bulgarian train" was reported at 4% of polling stations in Serbia as well as in Belgrade.[48]

Election day was also characterised by constantly large queues at the polling stations. The voting process was slowed down due to the holding of elections on many levels, as well as poor preparation of the polling boards in some places.

Election Results

The current president of Serbia and SNS, Aleksandar Vučić, won a convincing victory in the first round of the presidential elections with 58.6% of the vote. In second-place was the joint candidate of the opposition coalition United for the Victory of Serbia (Ujedinjeni za pobedu Srbije), Zdravko Ponoš (18.4%). This is the second time that Aleksandar Vučić won the presidential elections in the first round.
SNS won the most votes in the parliamentary elections, 44.3%, but will not be able to form a government independently. After SNS, opposition list Marinika Tepić - United for the Victory of Serbia (SSP, PSG, DS, NS coalition) won the most votes, 14.1%, and 38 seats in the forthcoming National Assembly.

SPS, long-time coalition partner of SNS, achieved a surprisingly good result with 11.8% of the votes. In addition to the four minority parties, three right-wing parties (DSS, Dveri, Zavetnici) and the green-left coalition Moramo passed the 3% threshold.

Regardless of the fact that SNS is the strongest parliamentary party even after these elections, for the first time since 2014 they will not be able to form a government on their own. In the 2016 parliamentary elections, SNS, together with Aleksandar Šapić's party (SPAS), had half a million more votes and in the 2016 elections 300,000 more votes than now. Many pro-Russian parties outperformed their polls, with the ruling SPS achieving a particularly strong result compared to the previous election cycle.

Changes to the *Law on Elections of Members of the National Assembly*[49] made in February 2022, previously established in *The Agreement on Improving Conditions for Conducting*

46 The 50th Session of Republic Electoral Commission, 20 April, 2022, https://www.rik.parlament.gov.rs/vest/292501/50-sednica-republicke-izborne-komisije.php

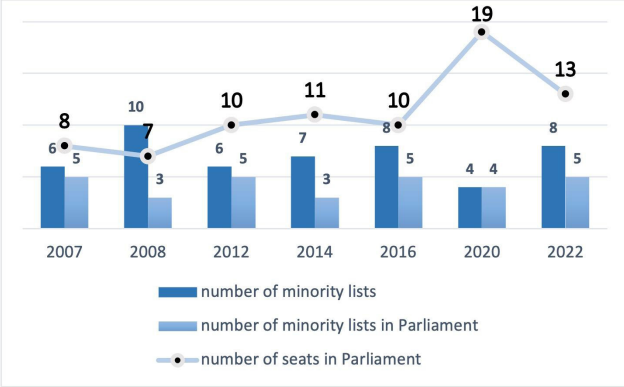
47 Elections 2022 – Preliminary Report on Observing Election Day, Crta, 20 April, 2022, https://crta.rs/en/elections-2022-preliminary-report-on-observing-the-election-day/

48 I posle 20 časova gužve ispred biračkih mesta, [Crowds in front of polling stations after 8pm] Danas, 21 April, 2022, https://www.danas.rs/vesti/politika/izbori22/i-posle-20-casova-guzve-ispred-birackih-mesta/

49 "Zakon o izboru narodnih poslanika - 14/2022-6" [Law on Elections of Members of the National Assembly], 3 May, 2022, https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2022/14/2

Elections[50], reduced the required number of signatures for minority lists from 10,000 to 5,000. This, together with changes to the same law made in 2020[51], did not substantially produce an increase in the number of seats in parliament for minority parties.

Parliamentary List	Percentage of Votes	Number of seats in Parliament (out of 250)
Aleksandar Vučić - Together We Can Do Everything (SNS coalition)	44.3%	120
Marinika Tepić - United for the Victory of Serbia (SSP, PSG, DS, NS coalition)	14.1%	38
Ivica Dačić - Prime Minister of Serbia (SPS coalition)	11.8%	31
Miloš Jovanović - Hope for Serbia (DSS coalition)	5.5%	15
Moramo - Ecological Uprising	4.8%	13
Boško Obradović - *Dveri* Serbian Movement	3.9%	10
Milica Đurđević Stamenkovski - *Zavetnici* Serbian Party	3.8%	10
Alliance of Vojvodina Hungarians	1.6%	5
Muftijin amanet - Bosniak Minority	1%	3
Together for Vojvodina - Croat Minority	0.6%	2
SDA Sandžaka - Bosniak Minority	0.6%	2



year	2007	2008	2012	2014	2016	2020	2022
number of minority lists	6	10	6	7	8	4	8
number of minority lists in Parliament	5	3	5	3	5	4	5
number of seats in Parliament	8	7	10	11	10	19	13

The observers warned about the lack of legal certainty and clarity on how national minority candidate lists were determined and how parties, coalitions, or groups of citizens had approved belonging to a certain national minority group.[52]

The April 3 elections showed that serious reform of electoral administration is necessary for Serbia. The most controversial part of the election process concerned the work of the election administration, the RIK, and the City Election Commission (GIK).

"THE APRIL 3 ELECTIONS SHOWED THAT SERIOUS REFORM OF THE ELECTORAL ADMINISTRATION IS NECESSARY FOR SERBIA"

As usual on the day, RIK held press conferences only informing the public about turnout data. However, during its last address, RIK decided not to announce any results, which caused a great deal of controversy. It did not formally violate the law by deciding not to share any information on the results on election night, but it meant that the public was informed about the election results based only on the widely reported estimates of SNS, which further deepened distrust in the work of the institution in charge of conducting the election process.

50 "Sporazum o unapređenju uslova za održavanje izbora" [The Agreement on Improving Conditions for Conducting Elections], 3 May, 2022, https://docs.google.com/document/d/e/2PACX-1vTwKs-CoLc10r28dHtzap_Uk6vaV6lQCvlNxBnbFGOthfpS-qZaZjASpgUNUc-zygKg/pub?urp=gmail_link

51 "Izmene zakona: Doprinos predstavljanju nacionalnih manjina ili relativizacija bojkota?" [Serbian electoral reform: Improved national minority representation or tactical move against boycott?], 3 May, 2022, https://europeanwesternbalkans.rs/izmene-zakona-doprinos-predstavljanju-nacionalnih-manjina-ili-relativizacija-bojkota/

52 "ENEMO International Election Observation Mission Presidential and Early Parliamentary Elections, 03 April - Serbia 2022", ENEMO, 3 May, 2022, http://enemo.eu/uploads/file-manager/ENEMOStatementofPreliminaryFindingsandConclusionsSerbia2022.pdf

Year	Date of the parliamentary election	Date of the publication of the final results	Days between election and publication of results
2003	28 December	30 December	2
2007	21 January	9 February	19
2008	11 May	20 May	9
2012	6 May	10 May	4
2014	16 March	24 March	8
2016	24 April	5 May	11
2020	21 June	5 July	14
2022	3 April	5 July	93

The entire election process dragged on for a record 93 days due to repeat voting at one polling station in Veliki Trnovac, Bujanovac municipality, where 1,089 voters had the right to vote. Voting was held five times. The reasons for this were ostensibly electoral irregularities and a bomb scare on 23 June. [53] Irregularities mainly related to the work of the electoral committee responsible for conducting the elections, whose members did not follow rules and procedures. For example, Crta observers detected the same irregularities on 3 April at more than 400 polling stations but RIK nevertheless decided not to cancel voting at those stations.

According to the new election law, the Municipal and Republic electoral commissions have the authority to regulate observed irregularities at polling stations by cancelling voting. In the example of Veliki Trnovac there seemed to be a political interest for one or more political actors to demand a repeat vote. Also, it turned out that institutions like RIK used the maximum legal deadlines for decisions on appeals to prolong the election process as much as possible. The Veliki Trnovac election was important because the final composition of the National Assembly depended on it, affording an Albanian national minority list the chance to enter parliament at the expense of SPS. The election marathon battle in Veliki Trnovac ended with the victory of the Coalition of Albanians of the Valley, led by Šaip Kamberi, who won 698 out of a total of 725 votes, and therefore one seat in the National Assembly.

Belgrade Election Results Controversies

The work of the City Electoral Commission (GIK), which is in charge of conducting elections at City of Belgrade level, has been very controversial. The day after voting GIK came out with the first preliminary results based on 88.63% of the counted ballots. According to these data SNS won the largest number of seats (48), while SPS won eight, which added up to a minimal majority of 56.[54]

Following these published results the opposition filed over 200 complaints with GIK over a run-off election, but most were rejected as unfounded. Some members of GIK, such as Zoran Alimpić, came out to give the impression that the ruling majority was the one to reject all opposition proposals.[55]

According to a GIK decision Belgrade voting was repeated at four polling stations on 16 April and at two more on 21 April.[56] However, as the public found out on 21 April after these reruns, nine days earlier GIK had counted 99% of the votes and that SNS and SPS had only 55 seats. However, the public was not informed of these results. This means that voters participated in the repeat elections without full knowledge of the election results and the potential impact of their vote.

The non-transparent and controversial work of GIK points to a serious setback to and deterioration of the institutions' technical abilities to conduct the election process independently, as well as insufficient impartiality of political actors to inform on election results in the interest of citizens and the public.

53 Trnovit izborni put preko Velikog Trnovca [Rocky Election Road Over Veliki Trnovac] RSE, 12 July https://www.slobodnaevropa.org/a/izbori-veliki-trnovac/31913802.html

54 GIK objavio preliminarne rezultate za Beograd, SNS I SPS imaju tesnu većinu, [GIK announces preliminary results of Belgrade elections, SNS and SPS have narrow majority], N1, 20 April, https://rs.n1info.com/izbori-2022/beogradski-izbori/gik-usvojio-izvestaj-o-preliminarnim-rezultatima-izbora-za-odbornike-u-beogradu/

55 Alimpić: Od 58 vreća u 15 razlika, većina u GIK neće više od četiri ponavljanja, [Alimpić: Out of 58 bags in 15 differences, most in GIK will not have more than four repeats], N1, 24 April, https://rs.n1info.com/izbori-2022/alimpic-od-58-vreca-u-15-razlika-mislim-da-gik-nece-ponistiti-na-vise-od-4/

56 Ponavljanje izbora na četiri biračka mesta u Beogradu, [Repeat votes at four polling stations in Belgrade], Al Jazeera, 26 April, https://balkans.aljazeera.net/news/balkan/2022/4/11/ponavljanje-izbora-na-cetiri-biracka-mjesta-u-beogradu

5

THE AFTERMATH OF THE ELECTIONS

The deadline for forming a new government is 90 days following the constitution of a new parliament. However, global circumstances have complicated the situation. It is expected that the war in Ukraine and Serbia's foreign policy positioning will significantly affect the choice of SNS' coalition partners. Even before the elections, the Serbian government was under pressure to join EU sanctions against Russia due to its invasion of Ukraine. The new government will have to deal with this problem.

However, a delay in forming a new Serbian government would not be a novelty. The formation of the previous government, elected in October 2020, despite a dominant SNS majority was delayed almost until the end of the deadline, four months after the elections.

"GLOBAL CIRCUMSTANCES HAVE COMPLICATED THE SITUATION AND SERBIA'S FOREIGN POLICY POSITIONING WILL AFFECT SNS' CHOICE OF COALITION PARTNERS"

At the time of the conclusion of this report, Aleksandar Vučić has mentioned only the minority parties representing Hungarian, Bosniak, Croat and Roma communities as preferred partners in government.[57] In the meantime, the question has arisen as to whether the end of cooperation between SPS and SNS is possible .[58] SNS has ruled together with SPS at all levels since 2012. According to some interpretations, SPS, which is perceived as a party close to Russia, could make it harder for Serbia to distance itself from Moscow if that becomes necessary. Nevertheless, on 20 June, Aleksandar Šapić was elected as the new Mayor of Belgrade with the votes of SNS and SPS councillors, who together hold a minimal majority of 56 in the local assembly (they were also joined by one breakaway opposition councillor).[59] This move indicates the probable continuation of cooperation between the two parties at national level as well.

Calls to repeat the parliamentary election so that SNS can receive a stronger mandate have further complicated the situation. The first person to mention this possibility in public was SNS Vice-President and Mayor of the City of Novi Sad, Miloš Vučević, on 7 April.[60] Several officials of the ruling party repeated the call, which President Vučić has rejected for now.[61] Were it to be called, it would be the fourth early parliamentary election since SNS came to power. None of them was caused by a loss of majority in parliament.

Repeating Belgrade local elections has also been seriously discussed. On 11 April, eight days after the elections, a closed meeting took place at the Presidency of Serbia between Aleksandar Vučić and the president of the opposition SSP Dragan Đilas. At the meeting, as announced, the possibility of a snap election in Belgrade was discussed.[62] A few days later, Vučić stated that he was ready to repeat the elections in Belgrade "if the largest opposition list (of which SSP was a part) wanted it".[63] He did not specify whether they would be held by the end of 2022, as suggested by Đilas, or later. The *Law on Local Self-Government* enables the triggering of early local elections if the current mayor resigns and a new one is not elected within 30 days.

The meeting between Vučić and Đilas represented a sudden change in the political climate in Serbia, considering that before the elections on 3 April, public relations between SNS and members of the United for Victory of Serbia coalition were extremely strained and hostile. A portion of the public and opposition politicians interpreted this meeting in the context of creating a broader political consensus on Serbia's stronger ties to the West following the war in Ukraine.[64] Up until publication, this assumption has not been confirmed.

57 "Manjine spremne da uđu u Vučićevu novu vladu, ali i oni imaju svoje uslove" [Minorities ready to enter Vučić's government, but they also have their conditions], Nova, 2 June, 2022, https://nova.rs/vesti/politika/manjine-spremne-da-udju-u-vucicevu-novu-vladu-ali-i-oni-imaju-svoje-uslove/

58 War in Ukraine raises uncertainty about who will be in the next Serbian government, European Western Balkans, 20 May, 2022, https://europeanwesternbalkans.com/2022/04/14/war-in-ukraine-raises-the-uncertainty-of-who-will-be-in-the-next-serbian-government/

59 "Aleksandar Šapić izabran za gradonačelnika Beograda" [Aleksandar Šapić elected as Belgrade Mayor], RTV, 11 July, 2022, https://www.rtv.rs/sr_lat/politika/aleksandar-sapic-izabran-za-gradonacelnika-beograda_1350670.html

60 "Vučević: Zamoliću Vučića da na jesen idemo na nove parlamentarne izbore" [Vučević: I will ask Vučić for a new parliamentary election in the Autumn], N1, 20 May, 2022, https://rs.n1info.com/izbori-2022/parlamentarni-izbori/vucevic-zamolicu-vucica-da-na-jesen-idemo-na-nove-parlamentarne-izbore/

61 "Brnabić za nove izbore u Beogradu, a nije ni protiv novih parlamentarnih" [Brnabić in favour of new elections in Belgrade, she is also not against parliamentary elections], N1, 20 May, 2022, https://rs.n1info.com/izbori-2022/brnabic-za-nove-izbore-u-beogradu-a-nije-protiv-ni-novih-parlamentarnih/

62 "Đilas posle sastanka sa Vučićem: Tražio sam nove izbore u Beogradu" [Đilas after meeting Vučić: I have asked for new elections in Belgrade], RTS, 20 May, 2022, https://www.rts.rs/page/stories/sr/story/9/politika/4774053/vucic-djilas-sasaanak.html

63 "Lider SNS: Ako opozicija bude insistirala, predložiću nove izbore u Beogradu" [SNS Leader: If opposition insists, I will propose new elections in Belgrade], N1, 20 May, 2022, https://rs.n1info.com/izbori-2022/beogradski-izbori/lider-sns-ako-opozicija-bude-insistirala-predlozicu-nove-izbore-u-beogradu/

64 Twitter post, 21 May, 2022, https://twitter.com/BoskoObradovic/status/1515955901462630405, "Pet stvari koje bi trebalo znati o sastanku Vučića i Đilasa" [Five things you need to know about Vučić-Đilas meeting], Radio Free Europe, 21 May, 2022, https://www.slobodnaevropa.org/a/sastanak-vucic-djilas-izbori/31797214.html

6

CONCLUSION

The results of the 3 April 2022 elections somewhat weakened Aleksandar Vučić and SNS, as well as brought back political pluralism after two years of absence of the opposition from institutions. However, significant irregularities and controversies as well as an unprecedented delay in establishing the election results cast a shadow of doubt on whether electoral conditions in Serbia have truly improved.

A byproduct of the elections might very well be an improvement in Serbian democracy in terms of pluralism and electoral participation. High turnout coupled with the respectable number of seats won by the opposition have improved the legitimacy of Serbian political institutions and reversed the trend of establishing a practically one-party system in the country.

However, key democratic institutions have barely shown any improvement. Media reporting has remained significantly biased, the government enjoyed a significant advantage in the campaign, and electoral irregularities - from pressure on voters to controversies regarding the work of the electoral board and electoral commissions (RIK and GIK), eroded the fairness of the elections.

"PLURALISM AND ELECTORAL PARTICIPATION HAVE INCREASED, BUT KEY DEMOCRATIC INSTITUTIONS HAVE BARELY SHOWN ANY IMPROVEMENT"

What consequences these elections will have on Serbia's EU prospects will probably depend on future political dynamics in the country, as well as the country's foreign policy orientation regarding Russia's invasion of Ukraine and alignment with EU sanctions. It seems likely, therefore, that the quality of the 3 April elections will scarcely play the part it would otherwise have played - a part it must play - if Serbia is indeed to reestablish a functioning democracy.

- 3 April 2022 elections and their aftermath did not demonstrate an improvement in the work of Serbian democratic institutions and electoral conditions as was expected after the inter-party dialogues
- The return of political pluralism might signal a step towards the normalisation of political life but the visible state of its democratic institutions does not allow for a more positive assessment of Serbian democracy
- Serbia's EU prospects, highly dependent on strengthening democratic institutions, will likely depend more on Serbia's foreign policy orientation than the political situation at home due to the Russian invasion of Ukraine

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SERBIAN ELECTIONS 2022

Back to Pluralism, but not Democracy

Early parliamentary and regular presidential and local elections in Belgrade and several other municipalities were held in Serbia on 3 April 2022

Incumbent Aleksandar Vučić convincingly won in the first round of presidential elections, but for the first time since 2014 his SNS now requires a coalition to form a government. SNS and its former allies won a narrow majority in Belgrade

Elections brought back political pluralism but were marred by irregularities and controversy including an unprecedented delay in determining the final results, showing no clear signs of improvement in electoral conditions despite inter-party dialogue

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