

CRTA:

CRTA
SUBMISSION FOR THE
HUMAN RIGHTS COMMITTEE

Fourth Periodic Report



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1. Introduction

This submission was prepared by the Center for Research, Transparency and Accountability, *hereinafter* CRTA.

CRTA is an independent, non-partisan civil society organization from Serbia, dedicated to the development of democratic institutions, culture, and civic activism. By creating public policy proposals, advocating the principles of accountable behavior of authorities and state institutions, and educating citizens about their political rights, CRTA advocates for the establishment of the rule of law and democratic dialogue.

Since 2016, CRTA has been observing elections at the national and local level¹, according to international standards for non-partisan and impartial election observation: Declaration on Principles for International Election Observation², Code of Conduct for International Election Observers, Declaration on Principles for Non-Partisan Election Observation by Civil Organisations³ and the Code of Conduct for Non-Party Observers.

As an independent domestic Election Observation Mission, CRTA monitored the entire election process of the snap parliamentary and Belgrade elections held in December 2023 with around 3.000 accredited observers. The election observation methodology included three phases: before Election Day (long-term observation), on Election Day (short-term observation), and after Election Day until the proclamation of the final election results (long-term observation). The observation methodology during each phase enabled the data collection, data analysis and assessment of the quality and integrity of the entire election process: election campaign; election administration; oversight, judicial and law-enforcement institutions; the Election Day quality; etc. The legal team of the CRTA Election Observation Mission monitored all sessions of the Republic Electoral Commission and the City of Belgrade Electoral Commission, which enabled comprehensive insight into the organization and implementation of elections, quality of access and pursuit of legal remedies in the protection of electoral and voters' rights, procedures for repeating elections and determining the final results. Moreover, the CRTA's legal team continually gave support and legal advice to citizens on the protection of their voter's rights.

Considering the preparation of the fourth periodic Report, CRTA gathered and compiled the most significant findings of the 2023 election observation **to contribute to the assessment of the state of the voting rights regulated by Article 25.**

¹ CRTA Election Observation Mission in a full-fledged capacity observed 2016 extraordinary parliamentary elections, 2017 presidential elections, 2018 Belgrade elections, 2020 parliamentary elections, 2022 presidential, Belgrade and extraordinary parliamentary elections, and 2023 extraordinary parliamentary and Belgrade elections. CRTA has also observed a number of municipal elections in Serbia over the past seven years.

² National Democratic Institute, Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, October 27, 2005. <https://link.crtars.ndi5>

³ National Democratic Institute, Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Nonpartisan Citizen Election Observers and Monitors, April 3, 2012. <https://link.crtars/70>

Summary of key findings:

- **Elections held in December could not be considered free and fair as their outcome emerged as a result of the unlawful advantages gained by the ruling party, with the complicity of several state institutions and authorities - primarily the Ministry of Public Administration and Local Self-Government, and the Ministry of Internal Affairs, as well as bodies of certain local self-governments.**
- **Since the official announcement of the elections, institutions have progressively disregarded legal constraints, resulting in the local election outcome in Belgrade failing to reflect the genuine will of the citizens and greatly undermining the legitimacy of the parliamentary election results.**
- **Responsible institutions willfully ignored copious evidence and significant signs of not only breaches in democratic principles but also numerous criminal activities within the electoral process. This inaction further entrenches a culture of impunity and legal ambiguity, for which prosecutorial bodies bear the greatest responsibility.**
- **The spectrum of severe endangerments of voters' and candidates' rights includes unscrupulous pressures on citizens, manipulations of the Voter Registry, forgeries of support signatures for nominated lists, misuse of citizens' personal data, and falsification of the election results publication date in the Official Gazette with the aim to prevent the opposition from utilizing the legal deadline for submitting complaints to the Constitutional Court. Such law violations would not have been possible without the passivity and direct involvement of institutions, i.e. civil servants at various levels of hierarchy.**
- **The integrity of the electoral process was also affected by the compromised legal certainty when publishing the backdated issue number 1 of the "Official Gazette of the City of Belgrade." This has jeopardized the legal certainty and the right to effective legal remedy.**
- **From the standpoint of the observation mission, it is concerning to note that the persistent chronic issues of elections in Serbia have been somewhat eclipsed by the overwhelming evidence of illicit and illegitimate electoral engineering, including orchestrated voter migrations. This encompasses political clientelism and pressure on voters, media inequality, and the misuse of public resources and office, all of which are markedly more evident than in past elections.**
- **The Election Day findings of the CRTA Election Observation Mission show serious irregularities at 13 percent of polling stations in the parliamentary elections, while in the Belgrade elections, the share of such polling stations amounts to as much as 21 percent.**

2. The State of Voting Rights in Serbia (Article 25)

2.1. The Electoral Commission

The recent electoral process has exposed all the shortcomings of the existing model of Serbian electoral administration, which is built on political instead of professional criteria. First and foremost, it has once again been proven that the members of the electoral commissions, when making decisions, vote in accordance with party interests rather than public interest. Furthermore, **many abuses of the law that occurred during the electoral process are clearly linked to acquiring membership in the extended composition or to forming a majority within the commissions. This includes the abuse of the right to candidacy by signatures forgery and abuse of the privileged position of electoral lists of national minorities.** It has been shown that electoral commissions, especially the Republic Electoral Commission (REC), **do not have the capacity to deal with the key problems in the electoral process and that they are hindered by narrow competencies, i.e., the lack of competencies in areas crucial to the electoral process where these problems occur.** Primarily, this concerns the Voter Register, as well as the role of the media in the electoral campaign, specifically the equal representation of actors in the media during the electoral campaign, and likewise, the sphere of electoral campaign financing. **Even though the professional staff of the REC, "borrowed" from the National Assembly, has again done a decent job in technically conducting the elections, its capacities are significantly limited. REC's staff returns to the National Assembly after the elections, leaving the highest authority of Serbia's election administration without conditions for any meaningful work in the non-election period.** Additionally, through the function of the Secretary of the REC, who is by law simultaneously the Secretary of the National Assembly, **political influence on the professional staff, who should be neutral and impartial in performing their duties, is conducted and formalized.**

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Politicization of Electoral Commissions and Forgery of Voter Support Statements

In accordance with the provisions of Article 8 of the Law on the Election of Members of Parliament and Article 10 of the Law on Local Elections, **electoral commissions should be independent in their work.** This implies that members must base their decisions on the public interest rather than the interests of the parliamentary groups that nominated them to these bodies. In practice, it has been shown that this is not the case. Namely, CRTA's observers have documented that in the vast majority of cases where controversial legal issues arose before the electoral commissions, there was an overruling during decision-making. Such overruling occurred even at the outset of the electoral campaign when the electoral commissions essentially operated in a permanent composition, as well as later for other contentious issues

that arose when all members of the extended composition joined the work of the electoral commissions.

The representative model of appointing members of electoral commissions in a permanent composition, where the balance of political power in the National Assembly is reflected in the balance of power in the commission, has once again shown its deficiencies. **Observers noticed that members did not base their decisions on the public interest but rather on the particular interests of the political parties that nominated them.** The claim that commission members did not act in the public interest was supported by the fact that the vast majority of members of the observed commissions openly advocated for the viewpoints of specific political parties during their discussions at the meetings, thus openly dividing the electoral body into the "ruling majority" and the "opposition". **Such division could be observed not only through the practice of overruling but also based on the fact that proposals from "opposition" representatives in REC were rarely passed, while in the City Electoral Commission (CEC) of Belgrade, none of such proposals were adopted.** When members from the extended composition, appointed by electoral lists, joined those from the permanent composition, the **politicization of the commissions became even more evident.** The actions of members from the extended composition can be justified to some extent, considering the fact that the legislator's objective was for them, among other things, to protect the interests of the electoral lists that nominated them to these bodies. However, such rationale cannot be found for members appointed to the permanent composition of the electoral commissions.

Election manipulations which also affected the work of election administration included the abuse of the right to candidacy, i.e. the forgery of voter support statements⁴, as well as the privileged position of electoral lists of national minorities, all aimed at forming a "government" majority in the electoral commissions. Typically, there should be more opposition electoral lists running in the elections than those that are part of the government. In the commissions, where votes are cast along party lines, this should naturally lead to "opposition" members having a majority in the body. However, this was not the case in Serbia. It was precisely the reason that the **abuse of the right to candidacy occurred, which, related to the forgery of voter support statements, resulted in decisions being made in favor of the government, as noted by CRTA observers attending every session of commissions.** This was particularly evident in the work of the CEC Belgrade. The majority of members nominated by electoral lists with alleged forgery accusations voted identically as members nominated by the government. Additionally, **in order to secure a government majority in the commissions, the privileged position of electoral lists of national minorities was also abused.** These lists needed to collect only half the number of voter support statements, which made the abuse process quantitatively easier.

In conclusion, it is important to emphasize that although **REC and CEC do not have the authority over criminal offenses in elections, the media, the Voter Registry, campaign**

⁴ When it comes to Belgrade elections, there are suspicions that eight electoral lists forged voter support statements, while in the parliamentary elections, it was determined that as many as 7,000 voter support statements were forged on two electoral lists. This is a recurring problem that has been present in several electoral processes in the past.

finance, etc., its mandate is to protect the integrity and legality of the electoral process. Therefore, the election administration needs to be more proactive and conduct everything in its power to fulfill its mandate. It is evident that the existing model leaves electoral commissions without sufficient capacity to address the equitable representation of political actors in the electoral campaign and to protect election rights.

Legal Uncertainty

Article 60 of the Law on Local Elections stipulates that the overall report on election results should be published on the website, as well as in the manner in which local self-government regulations are published. Article 2 of the Decision on the Publication of Acts in the "Official Gazette of the City of Belgrade" prescribes that acts regarding the election results for members of the City Assembly should be published in that gazette. Additionally, Article 30 of the Rules of Procedure of the LEC Belgrade stipulates that decisions of the commission should be published, among other places, in the "Official Gazette of the City of Belgrade". Finally, in the overall report on election results itself, it is stated in point 2 that this report will be published in the "Official Gazette of the City of Belgrade". Given these legal sources, **it remains unclear why the overall report on election results was published only on January 18, 2024, in issue number 1 of the "Official Gazette" with a fictitious date of January 3, 2024.**

Such backdating is not in line with the principle of *bona fides*, has jeopardized legal certainty, and appears to have been aimed at preventing or at least hindering the use of the *ultima ratio* legal remedy in the electoral process. The legislator has envisaged a procedure for deciding on election disputes before the Constitutional Court, which is the guardian of the Constitution and the rights and freedoms of citizens, as the final instance to protect the electoral rights of all citizens of the Republic of Serbia. **Publishing the overall report in this manner has jeopardized the right to a legal remedy for all citizens guaranteed by Article 36, paragraph 2 of the Constitution of the Republic of Serbia, which states that everyone has the right to legal remedy against a decision concerning their right, obligation, or interest based on law.** Additionally, in this way, **the right to an effective legal remedy, as prescribed by Article 13 of the European Convention on Human Rights, which provides that everyone whose rights and freedoms guaranteed by the Convention have been violated has the right to an effective legal remedy before national authorities, has been jeopardized.**

However, it must be underlined that the LEC Belgrade is not responsible for such conduct; rather, **the responsibility lies with the editor-in-chief**, who, according to Article 8 of the Decision on the Publication of Acts in the "Official Gazette of the City of Belgrade", is responsible for the orderly and timely publication of the "Official Gazette".

2.2. Media

In the 2023 December Elections, the media inequality, or imbalance in favor of the ruling party, was even more drastic compared to previous elections held in 2022.⁵ Instead of professionally providing objective information about the complete electoral offerings and the socio-political context of the campaign, the most influential media outlets, including the Public Broadcasting Service RTS, subjected citizens to an extreme propaganda offensive. Moreover, despite not being a candidate, the President of Serbia, Aleksandar Vučić, occupied almost one-third of the airtime in prime-time slots and two-thirds of the time in news programs on nationally covered television channels. The Regulatory Body for Electronic Media (REM) once again demonstrated almost complete indifference to its own legal obligations, i.e., ensuring equality of participants in the media during elections and protecting voters' rights to quality information.

Media Pluralism

The media coverage during the 2023 election campaign on TV channels with national coverage, was characterized by a lack of pluralism. It is crucial to note that media reporting during the campaign merely extends the chronic lack of political pluralism in Serbian media in the non-election period. The state's obligation to establish an appropriate legislative and administrative framework that would guarantee substantive and effective media pluralism extends beyond the periods of electoral campaigns.

The fact that there are numerous media publishers in the market alone is not sufficient to consider the media environment pluralistic.⁶ In the context of Serbia, where, along with Public Broadcaster RTS, there are only four television channels with national coverage holding that exclusivity for almost two decades and uniformly reporting in a highly biased manner in favor of the government, the opportunity for citizens to form their opinions based on objective information is compromised. Consequently, **citizens' ability to make informed choices during elections and freely express their opinions is continuously and severely undermined.**

CRTA's media monitoring revealed that during the election campaign, there was a semblance of pluralism only in the legally obligatory election program. **However, the reporting in the news programs was extremely biased, with government representatives dominating and enjoying notably positive representation when acting in their official capacities. This was especially true for the presentation of President Vučić, whose name was on the election list of the ruling majority, even though he was not a candidate.** According to CRTA's findings, **the President's allocated time was identical to the total time given to the entire opposition. This bias was also present in the Public Broadcaster RTS, where the news**

⁵ In extended prime-time (17.30h-00.00h) of five TV channels with national coverage licenses, out of which one is Serbia's Public Broadcasting Service RTS, incumbents were represented in 73% of the media time in 2023 elections, compared to 64% of the time in 2022 elections. This drastic gap in representation was particularly created in news program, where the ruling majority even reached 99% of the total time in the period of the election campaign. *CRTA Media Monitoring*

⁶ According to CRTA's "[Media Audit 2023](#)" study, TV remains the primary source of information for citizens, where five television channels with national coverage (RTS 1, TV Pink, TV Prva, TV Happy and TV B92) command the highest reach, attention time, and loyal audience, making them [the most important](#) for the Serbian public.

program was almost exclusively dedicated to the ruling majority (99 percent). As a result, this public media service failed to fulfill its legally mandated obligation to encourage the pluralism of political ideas through its program content and to make the public aware of those ideas.

The bias noted by CRTA does not solely stem from the privileged position given to the government but also **from the fact that the opposition was often marginalized and portrayed in a highly negative light. The campaign to discredit the opposition included daily insults, hate speech, and brutal invasions of the privacy of their representatives.**

The (non-)Performance of REM

Moreover, it has been shown that despite newly adopted media laws that formally strengthened the Regulatory Body for Electronic Media obligations, this institution was entirely passive during the December elections. REM chronically neglected, avoided, or directly violated legal provisions, demonstrating political influence and ignoring the significantly worsening conditions in media reporting.

Although the new media legislation adopted in 2023, just before the elections were called, introduced important novelties, among which is the extension of the ban on reporting on certain ceremonial activities⁷ of officials who are also candidates from ten to thirty days before the Election day, **it failed to include those public officials who are not election candidates: the President of the Republic, ministers who are not candidates on the lists, etc. Additionally, the opportunity was missed to oblige the REM by law to periodically report on monitoring findings, to determine the key elements of the methodology and criteria for selecting the sample that will be included in the monitoring, as well as to enable judicial control of every REM decision made based on applications of legal and natural persons submitted during the campaign.**

In the 2023 elections, **REM turned a blind eye to numerous cases of discriminatory treatment of election participants on television channels with national coverage. Such treatment of opposition election lists could not go unnoticed by REM, as it was conducting monitoring ex officio. However, REM did not consider 30 complaints it received during the campaign.** Finally, after the campaign ended, REM released only a portion of the campaign monitoring data, **hiding information related to commercial television channels with national coverage, contributing to creating a distorted image of political pluralism in the media campaign.** This was also underlined in the **2023 ODIHR Preliminary Report**, where it was stated that REM maintained a notably passive approach to regulating media conduct during the campaign, that they did not publish any monitoring results during the campaign, nor did they initiate any procedures based on these results.⁸

By failing to use its authority during the election campaign to ensure the legality of media service providers, selectively publishing data, and disregarding legal deadlines for

⁷ I.e. Utilizing infrastructural and other state projects for promotional activities.

⁸ Statement of Preliminary Findings and Conclusions of the International Election Observation Mission can be found: https://www.osce.org/files/f/documents/6/8/560650_1.pdf, page 16.

decision-making, the Council, as REM's decision-making body, actively played a role in creating a space for biased reporting by commercial television channels with national coverage during the election campaign. In doing so, REM continued its longstanding practice of irresponsible, improper, and ultimately illegal conduct. **With such actions, the current Council of REM normalized the practice of promoting only one political option during both election campaigns and the periods between elections, going against the purpose for which an independent regulator was established and contrary to the demands of public interest.**

2.3. Pressures on Voters

Pressure on voters is one of the main problems that has been recurring from one election process to another. Due to the fact that there is a lack of institutional reactions, this problem has expanded and become more pronounced. The pressures on voters are also a phenomenon for which ODIHR has repeated priority recommendations throughout election cycles since 2012, while until today, none has been addressed. Moreover, in the 2023 ODIHR Preliminary Report, which gathered observers from ODIHR, OSCE PA, PACE, and the European Parliament, it was stated that pressure on public sector employees, misuse of public resources, and voter inducement schemes raised concerns about voters' ability to make a choice free from undue pressure.⁹

One of the main findings of the latest CRTA's observation mission is that pressures on voters have deepened, spread throughout the entire country, and are implemented through various mechanisms, primarily within the public administration system and social and healthcare systems, encompassing both their employees and beneficiaries. Also, the freedom of choice for employees in the public and state sectors, as well as the most vulnerable social groups, i.e., users of social protection system services, have been denied or restricted due to exposure to pressures and other mechanisms of political clientelism.

Types of Pressures on Voters

CRTA recorded more than 110 events throughout Serbia, with elements of pressure primarily on citizens and political actors. CRTA's research team conducted 24 interviews with citizens from different parts of Serbia (18 during the campaign and 6 after elections were held) and noted **increasingly unscrupulous forms of political pressure accompanied by threats and intimidation**. It has been recorded that citizens are forced to join the party, collect certain and capillary votes, and go to party meetings and gatherings.

Regarding the pressures in the public sector, CRTA's interlocutors revealed the mechanisms used to pressure employees and the mechanisms of control and censorship that exist within the working environment. One of the interlocutors, an employee of the city administration, points out that no one in their workplace got spared from "working for the party" – going to rallies and collecting safe votes. This interlocutor also refers to the additional pressure on employees that

⁹ Statement of Preliminary Findings and Conclusions of the International Election Observation Mission can be found: https://www.osce.org/files/f/documents/6/8/560650_1.pdf, page 2.

is created because of their supervisors' mutual struggle over "votes". Supervisors are "competing" with one another because their professional status and career (both in the party hierarchy and in the hierarchy at work) depend on the number of safe votes. One of the victims also testified that they were intimidated because they no longer wanted to be a member of a certain party (they received threatening messages, and their car tires were slashed). This interlocutor also experienced **threats of violence at the workplace, and as a "punishment", they were moved to a lower position** with a reduced salary. The third interlocutor was pressured by their superiors to "do them a favor in order not to fulfill the quota" and to change their place of residence in order to vote at another polling station. CRTA also documented pressure on health workers, who were forced to register in the list of safe votes. **Observers note that employees in the public sector were especially exposed to pressure in connection with attending the rally of the Serbian Progressive Party.** On the eve of this rally, observers also reported on the **pressures on transporters and on the owners of private companies who received quotas for the number of employees they must bring to the rally. Also, it was recorded that citizens were offered money (20-25 USD in dinars) to attend this event.**

CRTA recorded disturbing allegations about pressures on the elderly, patients with dementia, and beneficiaries of nursing homes. According to the statements of two interlocutors (a person employed in a nursing home and a person who is a family member of a beneficiary of a nursing home), the employees put pressure on the beneficiaries through explicit blackmail to provide support to the party. Also, CRTA recorded cases in which **employees of these institutions voted instead of their beneficiaries.** Manipulation of the elderly, patients with dementia, and other health problems have been recorded in the activities of political parties and public authorities: filming these people with disregard for their dignity, exerting pressure on the beneficiaries of nursing homes (to become so-called safe votes), photographing and filming partially clothed citizens during medical examinations (ECG, mammography).

In the campaign, various examples of abuse of children were observed that crossed the boundaries of the forms of this phenomenon present so far, and there was even a case where children were in charge of distributing flyers and promotional material.

Other vulnerable categories of the population are not spared as well from political pressures. The CRTA observers recorded the case of an **oncology patient** who testified that she was **pressured to join the party so that her name would be moved forward on the waiting list for interventions,** but also the case of **"punishment" and denial of social assistance to users of the social work center who supported opposition electoral list.**

Electoral Clientelism

This election campaign is an example of the normalization of electoral clientelism, which is one of the basic political tools in the fight for votes. Observers recorded cases in which citizens and party supporters received various gifts of high value (firewood, TV

devices, refrigerators, walkers, computers...).¹⁰ One CRTA's interlocutor, a beneficiary of social assistance, testified that representatives of the Serbian Progressive Party contacted them by phone and by their name and offered material assistance (firewood and a package of groceries) if they provided political support to this party. The interlocutor also testified that they received everything that was promised, but also that the party representatives announced that they would receive more food packages and that he would be provided with the possibility of voting from home (since he is a person with health problems).

Observers also reported cases where the ruling party offered from 2 to 5 thousand dinars (20-50 USD) on social networks and Viber groups for a vote but also cases where citizens offered their vote in exchange for money or some other service. The clearest example of this kind is reflected in the "threats" of boycotting elections by citizens in rural areas if the public authorities do not accept their demands. Those demands, for example, refer to introducing more regular public transport between urban and rural areas and opening certain public institutions such as a clinic, pharmacy, or post office in the village itself or local community. **The normalization and legitimization of this phenomenon are reinforced by the absence of reaction from the competent institutions but also by the messages coming from the holders of high-state functions. For example, the documented journalist's report that strongly indicated the organized practice of vote buying and unauthorized collection of data in the call center of the Serbian Progressive Party saw no reaction from the prosecution. Instead of the reaction by any of the competent institutions, the president of the country, Aleksandar Vučić, visited the call center and posted a photo and video of the visit on his Instagram profile.**¹¹

Abuse of Citizens' Personal Data

The CRTA recorded a worryingly large number of reports related to possible abuses of citizen data and data from public records. Since the beginning of the election campaign, CRTA observers have recorded around 90 cases from citizens about the potential misuse of personal data. These allegations refer to the misuse of personal data of social assistance beneficiaries and users of gerontological services for political purposes, prisoners, and pensioners who received personalized invitations to party events. The allegations also refer to the potential misuse of data on health status. Some citizens were invited to party discussion panels on health in the medical field that covered the health problems that these citizens have. Moreover, in conversations with CRTA, the interlocutors testified about employers and superiors' misuse of employee data in both the public and private sectors. In one of the allegations, the suspicion is expressed that the party commissioner took identity cards from the beneficiaries of one-time financial aid and, instead of these persons, submitted the application for aid and then withdrew the money on their behalf.¹²

¹⁰ In Inđija, there was also a case of distribution of personalized vouchers in the amount of 3,000 dinars to supporters of the ruling party, which are valid only with an ID card and can only be used in local markets.

¹¹ CINS report: <https://www.cins.rs/en/cins-inside-snss-call-center-hostess-agency-vote-buying-and-millions-in-cash/>

¹² CRTA's research on Network of political pressures in Social Welfare Centres, <https://crtars/en/network-of-political-pressures-in-social-welfare-centers/>

During the entire election campaign, citizens from across Serbia reported receiving calls from the Serbian Progressive Party in which operators asked for them by name and surname. Some of the citizens who received these phone calls confirmed to the observers that they were not members of the party and that they had not given their information to any political party. It was also recorded that elderly citizens whose family members were abroad were contacted by party operators who addressed them by their name and surname and then asked about their family members and whether they would vote.

Moreover, as in previous election cycles, **observers and citizens reported many notifications to vote for people who do not live at those addresses, which points to the possibility of manipulating the Voters' Register. Because of these allegations, CRTA appealed to competent institutions and civil servants to perform their duties conscientiously and protect the law, institutions, and public interest in elections.** Many such allegations point to potentially illegal actions of the ruling party but also point to the weakness of institutions and services that are responsible for protecting personal data and the right to privacy. This phenomenon also marked the previous election processes. However, they still remain without an adequate institutional epilogue.

2.4. Voter Register Manipulation

Untransparent Voter Register

The Serbian Voter Register is passive, meaning citizens are not obligated to register for voting. It is maintained by the Ministry of Public Administration and Local Self-Government, based on data on registered permanent residence, which it receives from the Ministry of Internal Affairs. It has been centralized since 2011, and before, it was the responsibility of local authorities.

Voter register accuracy has been one of the most consistently controversial issues in the Serbian electoral process. The main source of controversy is a substantial mismatch between the voting-age population in Serbia and the number of voters in the register. This is a well-known regional problem in countries with similar types of voter registries and extensive migrations - similar issues stem from citizens leaving the country but maintaining residence and voting rights in the home country.

There are clear consequences of this decades-long controversy. Different surveys in the last couple of years show that more than half of the citizens of Serbia believe that the voter registries do not contain accurate data, while half of those believe that the data is manipulated for electoral gain. In the last instance, in February 2022, just months before the previous elections in April 2022, the issue surfaced regarding “phantom” voters in an abandoned house in central Belgrade. In the 2023 December elections, this issue culminated in Belgrade.

To address this, OSCE has had a longstanding priority recommendation from 2012 to 2022 for Serbian authorities to conduct a comprehensive independent audit of the register, with the participation of relevant stakeholders. However, these recommendations

remain unaddressed. In 2020, OSCE/ODIHR also recommended that voter register be available for public scrutiny and that authorities periodically publish voter registration data per municipality. These recommendations were partially addressed - since 2021, the ministry has published quarterly aggregate numbers of registered voters per municipality and voter register excerpts in the form of a list of voters' names per polling station.

However, none of these changes has had the expected effect, as the citizens still do not have sufficient scrutiny over the voter register. Without unique identifiers, such as middle names or addresses, it is almost impossible to detect manipulations of voters in the voter register. To make things worse, since 2022, the polling station notifications sent to home addresses no longer contain apartment numbers and instead use the internal postal system of postbox identification, which added to the rising suspicion of fictitious names and voters in the register.

However, when voter register manipulation happens on a large enough scale, it cannot be kept a secret. CRTA collected information about anomalies in the voter register from citizens before Election Day, which raised attention to possible issues. Parallel and independent insider information about voter migration confirmed these suspicions. Several testimonies were collected, indicating possible activity from within the ruling party organization, from local municipal administration, and even manipulation from the central level. On Election Day and after Election Day, several parallel analyses were conducted on available data, including election results, revealing at least 30.000 fraudulent votes in Belgrade in favor of the ruling Serbian Progressive Party - with organized voter migration having a critical impact on shifting Belgrade elections outcomes.

Organized Voter Migration and Fictional Residencies

Organized voter migration is a type of electoral engineering that includes coordinated behavior of voters who temporarily change their residence to another constituency to influence voting results. This method has been used on a large scale to influence the outcomes of the local elections in Serbia in 2023. This was enabled by strategically calling the local elections in roughly one-third of the cities and municipalities in Serbia and then by moving residencies of people from municipalities without elections to those with elections, but also by bringing people from neighboring countries who have dual citizenship to vote in municipalities they do not live in.

Organized voter migration is neither legal nor legitimate. Applying for fictitious residences to use the voting right in another constituency violates the acting law regulating citizens' residences in Serbia. It also undermines electoral equality and substantially infringes upon the guaranteed right to local self-government.

CRTA Election Observation Mission has actively collected evidence and conducted analyses about the organized voter migration before, during, and after Election Day. Qualitative evidence was collected from citizens and informants before the elections, by CRTA's observers in and around polling stations during Election Day, and by collecting statements by political actors confirming or even justifying the practice. Additional quantitative analysis was

done using data collected from the voter register excerpt and the polling station-level election results.

Organized voter migration is a phenomenon that hinges upon fictional residences. However, this is neither legal nor legitimate practice and does not follow electoral law's fundamental principles.

Every citizen of the Republic of Serbia has the right to settle in any part of its territory and declare residency there. The Constitution of the Republic of Serbia in Article 39 stipulates that everyone has the right to move and reside in the Republic of Serbia freely. At the same time, the Law on Permanent and Temporary Residence of Citizens (LPTR) in Article 2 determines that the right to residence in the Republic of Serbia belongs to all citizens of the Republic of Serbia who permanently live on the territory of the Republic of Serbia. **However, the LPTR in Article 3 defines residency as a place where a citizen settles intending to live permanently or where the center of their life, economic, social, professional, and other connections exist that prove their continuous connection to that place.** Accordingly, citizens who register residency in Belgrade or any other city or municipality have the right to do so only if they intend to reside there permanently. Otherwise, such registrations would not be legal and would be a matter of circumventing the law. Hence, the Ministry of Internal Affairs (MIA) has the authority to accept the residency registration only if it can be established that the citizen intends to reside at the address they are registering permanently (Article 13 of LPTR). Article 3 of the Regulation specifies that the MIA official verifies the data from the residency registration and issues a residency registration decision if it is established that the citizen intends to reside permanently at the address they are registering as residency. These data are then entered into the residency records kept in electronic form. **Fictional residences are illegal and violate the rights of other citizens residing in the given city, especially the right to local self-government.**

The equality of electoral rights implies that one voter has one vote, but it also requires ensuring equal representation when forming electoral units. This is guaranteed by the Constitution in Article 52, the Law on Election of MPs (LEMP) in Article 5, and the Law on Local Elections (LLE) in Article 5. One of the most famous cases of violating the equality of electoral rights is “gerrymandering”, which has become synonymous with electoral manipulation. It primarily involves the deliberate redrawing of boundaries between electoral units to undermine the equality of elections. However, gerrymandering also entails clustering so-called safe voters into a larger number of small electoral units to gain an advantage for the ruling party or coalition over other election participants. **This fact becomes significant if we consider that on December 17, snap local elections were unprecedentedly held in only 66 out of 174 municipalities and cities.** Although Serbia is not divided into electoral units, the fact that local elections were not held in all local self-government units created the possibility of clustering safe voters of the ruling coalition in the cities and municipalities with called elections, especially in the city of Belgrade, thus creating a new form of electoral manipulation.

Residency within the territory of the local self-government unit is prescribed as a specific and additional condition for exercising the electoral right in local elections. Article 176 of

the Constitution states that citizens have the right to local self-government, which they exercise directly or through their freely elected representatives. The Law on Local Self-Government stipulates in Article 2 that local self-government is the right of citizens to directly manage public affairs of immediate, common, and general interest for the local population through local assemblies or councils. The Law on Local Elections in Article 3 stipulates that an adult citizen of the Republic of Serbia who is not under extended parental care, i.e., who is not completely deprived of business capacity and who has residency within the territory of the unit of local self-government may exercise electoral rights in local elections. Thus, voters who change residency and register within the territory of the new local self-government unit also acquire the right to vote and the right to local self-government, which they can exercise in that municipality/city. If the allegations are true and these citizens have only registered residency (formally have residency) in Belgrade without meeting the conditions of Article 3 of the Law on Permanent and Temporary Residence of Citizens (LPTR), it raises the question of the legitimacy of their participation in elections where they had the opportunity to "shape the fate" of citizens who have genuine residency (formally and substantively) in the capital city. In this manner, they have undermined the right to local self-government of genuine residents of the city they "migrated to" by being able to, directly or through freely elected representatives (in elections), influence the management of affairs that are of immediate, common, and general interest to those genuine residents.

An additional dimension of this type of electoral engineering was **the unlawful provision of personal documents to citizens of neighboring countries who obtained citizenship of Serbia** as a second citizenship on the basis of their ethnicity or family ties with Serbia. As legal citizens, these people could vote in parliamentary elections but should not be able to vote in local elections without changing their residency from their primary country of residence to a municipality in Serbia. **Electoral forensics done by CRTA after the elections found thousands of citizens of neighboring countries, most prominently Bosnia and Herzegovina, who were registered to vote in local elections in Belgrade. Most of them cannot be found in any of the voting registries for previous elections.** The Serbian Ministry of Interior issued personal documents with faux addresses in Belgrade to these people in order to enroll them into the local voter register, without changing their primary residency and without the proof of their permanent intent to live in the city of Belgrade.

The organized migration of voters jeopardizes the democracy and integrity of the electoral process. Such a practice is neither legal nor legitimate. It undermines the equality of elections in the capital city and substantially infringes upon every citizen's constitutionally and legally guaranteed right to local self-government.

2.5. Public Prosecution

This election process was scarred by a complete absence of an urgent and efficient response from the state prosecution. Based on publicly available information, the prosecution has not initiated a single case based on the documented irregularities and suspicions of criminal offenses related to the election process that were presented to the

public by observers, journalists, or political actors. On the contrary, at the end of the election day, the Higher Public Prosecutor's Office announced without any previous investigations that "there is no evidence of any criminal offense committed during the elections."¹³ However, a few days after the elections the Prosecutor's Office initiated several cases but only **based on specific citizen and stakeholder reports for irregularities made during the election day**. Prosecutors publicly provided only information about the number of reports and formed cases but **did not disclose the subsequent actions taken**, except for mentioning that information was being collected.

Relevant Cases Before the Election Day

Prior to election day, numerous allegations were made regarding the forgery of signatures of support for the electoral lists for both Belgrade and Parliamentary elections. In relation to those, the Republic Electoral Commission made and submitted two reports on document forgery (the reports concerned allegations of forged signatures on two electoral lists for which the Commission identified manipulations with signatures during the list declaration process) to the prosecution, who subsequently formed cases based on them. Moreover, the Prosecutor's Office initiated three cases related to allegations of forgery of statements of support for electoral lists for the Belgrade elections. The allegations relate to a criminal complaint against unidentified persons employed in one of the Belgrade city municipalities for certifying false data. According to information published by the media, the Prosecutor's Office in Belgrade has requested the collection of necessary information from other relevant institutions.¹⁴ **However, the public is still not informed of the progress that has been made in all of these cases.**

Regarding the case of the SNS call center exposed by an investigative journalist media CINS to be involved in the criminal offense of giving and receiving bribes related to voting, a criminal complaint was filed with the Prosecutor's Office. The Higher Public Prosecutor's Office returned the complaint to the lower-level Prosecutor's Office, stating that adequate evidence for initiating proceedings was not provided, even though a recorded video testifying to the vote-buying was released to the public. **Despite the responsibility of the prosecutor's office to collect further evidence, the Public Prosecutor's Office maintained the position that sufficient evidence was not provided for even initiating the investigation.**

Relevant Cases on the Election Day

On election day, several reports were made, among which was a report to the prosecutor's office made by a member of the Republic Electoral Commission on the suspicions of parallel voting that took place in the Štark Arena in Belgrade. The members of the Republic Electoral Commission were prevented from entering the arena to assess the situation. After the police arrived, they interviewed the complainants and surprisingly only directed them to report all

¹³ RTS, Higher Public Prosecutor's Office: "there is no evidence of any criminal offense committed during the elections", December 17, 2023, <https://www.rts.rs/lat/vesti/izbori-2023/5333715/vise-javno-tuzilastvo-beograd-izbori.html>

¹⁴ Insajder, February 15, 2024,

<https://insajder.net teme/tuzilastvo-za-insajder-o-krivichnoj-prijavi-dela-clanova-gik-zbog-falsifikovanja-potpisa-prikupljaju-se-obavestena-kriminalistickoj-policiji-upucena-urgencija>

irregularities to the Republic Electoral Commission. **Although all available evidence suggests that Štark Arena was a place of gathering and distributive center for the migrated voters, the prosecution has not formed any case related to it.**

In the case of the physical attack on CRTA's observers in the Police Station courtyard in Odžaci (more details on the event in chapter 2.6), the Public Prosecutor's Office initiated a case and classified this attack as the criminal offense of "Violent Behavior". Based on the available information, **it appears that the police officers did not respond adequately to prevent the attack on the observers and failed to ensure their safety despite being timely informed of a serious and immediate threat to the observers' safety. There are also strong indications suggesting that necessary measures were not taken after the attack to locate attackers and discover and secure the relevant evidence.**

The Passivity of the Prosecution After the Election Day

After the election day, **the prosecution remained silent on numerous accounts of unfinished buildings or objects with no living conditions in Belgrade, with an unusually high number of voters having residency on these addresses**, deepening suspicions in the public of the voter migration. Even though these suspicions were thoroughly documented and pertained to the criminal offense concerning the manipulation of the voter register, the Prosecutor's Office initiated no investigations in this regard, further deteriorating the public's trust in the electoral process.

2.6. Election Observers' Rights

The United Nations, in the Declaration of Human Rights Defenders, has set out that **Member States are urged to take all necessary steps to establish conditions that allow national and international election observers to effectively do their work and to protect them from any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of their rights and freedoms (Commission on Human Rights, Resolution 2000/61, Human Rights Defenders, April 26, 2000, A/HRC/RES/5/).** However, during the December election process there was a significant decline of the state of observers' rights in Serbia, for both international and domestic observers.

Position of the Observer Missions in Serbia

The observation of elections by domestic observer missions in Serbia began during the parliamentary and presidential elections in 1997 and has since been recognized as one of the elements of the electoral process and an indicator of its democratic nature. **Although 16 cycles of parliamentary and presidential elections have taken place since 1997, the position of observers in the current electoral laws was established for both national and local elections in 2022.** This significant step ensures unhindered observation of elections at all

levels, which was previously uncertain and dependent on the willingness of the election administration to apply democratic standards in its work.

CRTA's observation mission and all accredited observers had unimpeded access to all phases of the election administration's work, and extensive international election observation was also conducted in 2023. Authorization for foreign observers was issued to the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which organized a full mission with long-term and short-term observers, as well as a joint mission of the Parliamentary Assembly of the Council of Europe, the OSCE Parliamentary Assembly, and the European Parliament.

Defamation and Attacks on Observers

However, the position of observers significantly worsened in this election process. There was pronounced hostility towards both domestic and international election observers, promoted through statements by the highest state officials and pro-government media to discredit their work and observation findings. In addition to alarming verbal attacks through influential channels in society, CRTA observers were physically attacked on election day in Odžaci after attempting to report a noticed case of circular voting. The most disturbing fact is that this assault happened in the courtyard of a local police station, where CRTA observers moved after they were first threatened. There is serious concern that, in this case, institutions, primarily the police, seriously failed in implementing measures to identify and bring the perpetrators to justice, leading to doubts that the perpetrators will ever be punished. The attack on observers, although acknowledged by state officials and the President of Serbia, **did not receive appropriate condemnations that would demonstrate the institutions' readiness to protect the right to observe elections in this and future election cycles.**

The most serious accusations against domestic observers first came immediately after election day from the Prime Minister of Serbia, Ana Brnabić, who accused CRTA Election Observation Mission of "directly destabilizing Serbia and attempting to overthrow the constitutional order."¹⁵ These alarming accusations were made after the publication of CRTA's preliminary report, which pointed out that the results of the Belgrade elections largely resulted from illegal electoral engineering.¹⁶ The gravity of the Prime Minister's statement is heightened by the fact that the accusation was made at an official press conference of the Government of the Republic of Serbia.

The accusations of state officials followed, which promoted the criminalization of CRTA's work, calling for the arrest of CRTA's team. These accusations were initiated by the high state representative and Member of Parliament, Vladimir Đukanović, the Chairman of the Committee on Judiciary, State Administration, and Local Self-Government of the Serbian National Assembly in two convocations.¹⁷

¹⁵ The statement of Prime Minister Ana Brnabić translated to English, <https://link.crtars.rs/19>, December 22, 2023

¹⁶ Crta's observation mission, Preliminary report on organized voter migration before the elections in Serbia on December 17, 2023, <https://crtars.rs/en/the-results-of-the-belgrade-elections/>, December 22, 2023.

¹⁷ The statement of Vladimir Đukanović on social media X, " <https://link.crtars.rs/18>, January 18, 2024.

Nevertheless, several prominent members of the Parliament joined in, simultaneously promoting the well-known narrative of "foreign mercenaries and domestic traitors".¹⁸¹⁹ **The President of the Republic of Serbia supported this narrative in a live address on television Pink while responding to a journalist's question about CRTA's representative participating in a parliamentary hearing organized by the German Bundestag regarding the elections in Serbia.**²⁰

In the days leading up to the publication of CRTA's Final Report, the highest state representatives continued to intimidate observers and make further attempts to discredit their work. The outgoing President of the National Assembly, Vladimir Orlić, read out the names of CRTA's employees and election observers from several polling stations in Belgrade on Public Media Service Radio Television Serbia²¹ and later on B92 television²². This was done with the intention of intimidating and portraying CRTA's findings on election issues and fraud as false.

¹⁸ The statement on social media X, <https://link.crtars.rs/l7>, January 19, 2024.

¹⁹ The statement on social media X, <https://link.crtars.rs/la>, December 29, 2023.

²⁰ The statement of President Aleksandar Vučić in central informative program, <https://link.crtars.rs/lb>, January 18, 2024.

²¹ The statement of outgoing President of the National Assembly Vladimir Orlić in political debate show "Takovska 10", Public Service Media, translated to English, <https://link.crtars.rs/lc>, February 6, 2024.

²² The statement of outgoing President of the National Assembly Vladimir Orlić in political show "Fokus", TV B92, <https://link.crtars.rs/mi>, February 7, 2024.

3. Recommendations and the List of Questions

3.1. Recommendations

CRTA's observation mission has concluded that holding the next elections in Serbia would be unfeasible without achieving certain prerequisites. Therefore CRTA recommends the following:

1. Establishing timely and non-selective accountability for violations of the law in elections is a fundamental precondition for the rule of law and building citizens' trust that the institutions of Serbia, state bodies, and public institutions serve to protect laws and the interests of the state and the public within their competencies, ethical standards, and professional service, without allowing any partisan or private interest to supersede that obligation. Therefore, CRTA recommends:
 - 1.1. The prosecution must urgently and non-selectively engage in establishing the truth and accountability for violations of the law in the electoral process, including actions committed under the auspices of the institutions of the Republic of Serbia, primarily in the Ministry of Internal Affairs and the Ministry of Public Administration and Local Self-Government (including the Administrative Inspectorate).
 - 1.2. State institutions must initiate disciplinary proceedings and utilize all internal control mechanisms against officials who have negligently, unauthorizedly, and unlawfully made changes to the Unified Voter Register, changed residencies of citizens, and committed other abuses of their position.
 - 1.3. The notaries who participated in the forgery of voter support statements for the candidacy of electoral lists and individuals who unlawfully handled the personal data of voters must be urgently prosecuted.
2. A precise and uncompromised voter register is a crucial prerequisite for holding democratic elections, as without it, the will of the voters cannot be established on election day. For that reason, CRTA recommends:
 - 2.1. Review of the voter register by an independent commission composed of international and domestic experts in accordance with international standards and recommendations from the OSCE/ODIHR. Once the factual situation is determined, it is crucial to promptly proceed with the compilation of an accurate voter register and establish mechanisms to ensure its integrity.
3. The free formation of the voters' will, as the cornerstone of free elections, largely depends precisely on truthful, comprehensive, and timely information and the promotion of political pluralism in electronic media. Thus, CRTA recommends:

- 3.1. Following the constitution of the National Assembly, it is necessary to initiate the procedure for the dismissal of all eight members of the Council of the Regulatory Body for Electronic Media due to irregular and negligent conduct and simultaneously to issue a public call for the nomination of candidates for the election of new members of the Council.
- 3.2. Upon the constitution of the new composition of the Council of the Regulatory Body for Electronic Media, it is necessary to conduct a procedure to determine any breaches of obligations or non-compliance with the conditions stipulated in the license by media service providers to whom the Regulatory Body for Electronic Media issues broadcasting licenses. In the event of breaches, appropriate measures prescribed by law, including license revocation, must be taken.
- 3.3. Significant improvement of professional standards in the work of Radio Television Serbia (RTS) and Radio Television Vojvodina (RTV) is necessary for these institutions to truly, and not just nominally, function as public media services. Opening up public media services RTS and RTV, to different political options and a significantly greater dedication of these media services to the objective and timely information and education of citizens is the first step in establishing political pluralism in the media.

3.2. The List of Questions

Considering the above-mentioned issues regarding voter rights in Serbia, as well as the CRTA's findings and recommendations, we would like to pose the following questions to the Republic of Serbia:

1. When and with what methodology will the audit of the voter register be conducted?
2. Did the State initiate procedures to uncover whether the mentioned manipulations of the voter register occurred?
3. Does the State plan to reform the election administration?
4. What does the State plan to do about the increasingly prevalent issue of voter intimidation, vote-buying, and clientelism?
5. What is the State doing to address the lack of media pluralism and to ensure the independent conduct of REM?
6. How will the State secure a better position for domestic and international observers in the upcoming elections?