

APROBAT

In ședința Biroului permanent al
Camerei Deputaților
din data de 13.02.2007
Nr.

Parlamentul României
Camera Deputaților

B.P. Nr. din 13.02.2007

INFORMARE

**privind participarea Delegației Parlamentului României
la Misiunea de observare a alegerilor parlamentare din Republica Serbia,
21 ianuarie 2007**

La data de 21 ianuarie 2007 au avut loc în Republica Serbia alegeri parlamentare.

În baza invitației adresată de autoritățile din Republica Serbia a fost organizată Misiunea internațională de observare a acestor alegeri, în cadrul unei operațiuni comune la care au luat parte: Biroul OSCE pentru Instituții Democratice și Drepturile Omului (ODIHR), Adunarea Parlamentară a Organizației pentru Securitate și Cooperare în Europa (AP OSCE), Adunarea Parlamentară a Consiliului Europei (APCE) și Adunarea Parlamentară a NATO (AP NATO).

Acestea au fost primele alegeri parlamentare de după disoluția Uniunii Serbia și Muntenegru și adoptarea noii Constituții a Republicii Serbia (prin referendumul din 28-29 octombrie 2006) și au avut loc pe fondul unei prelungite și foarte sensibile dezbateri privind statutul Kosovo, într-un moment în care cooperarea Serbiei cu Tribunalul Penal Internațional (TPI) constituie principalul obstacol pentru încheierea Acordului de Asocierie și Stabilizare (ASA) cu UE.

Misiunea de observare a alegerilor (**EOM**) a fost deschisă la 18 decembrie 2006 prin repartizarea de către OSCE / ODIHR, în capitala Belgrad și în alte 8 centre regionale, a unui număr de 12 experți și 16 observatori de lungă durată (**LTO**). Pentru aceste alegeri au fost acreditați 4744 observatori interni și internaționali. În ziua alegerilor, din partea Misiunii internaționale de observare au fost repartizați 308 observatori (**STO**), parlamentari și staff, din 43 de state membre ale OSCE, între care: 72 din partea AP OSCE, 23 din partea APCE, 13 din partea AP NATO, restul fiind din partea ODIHR / OSCE. Observatorii au acoperit peste 1500 secții de vot dintr-un total de 8531.

Componenta Misiunii internaționale de observare de scurtă durată desfășurată în perioada 19-22 ianuarie a.c. a fost condusă de către domnul Göran Lennmarker (Suedia, președintele AP OSCE), desemnat coordonator special al EOM pentru STO, de către președintele-în-exercițiu al OSCE.

Din partea Camerei Deputaților, Parlamentul României, au participat, ca STO, pe linia AP OSCE, domnii deputați Miron Ignat (Minorități) - chestor al Biroul Permanent, Valeriu Gheorghe (PNL) - membru supleant al Delegației Parlamentului României la AP OSCE, Slavomir Gvozdenovici (Minorități), Alecsandru Știucă (PSD) și Bogdan Pascu (PC), precum și domnul Mario Ruse - consilier. Tot din partea Camerei Deputaților a mai participat, pe linia APCE, și domnul deputat Gheorghe Adrian Miulescu (PNL).

Din partea Senatului României au participat, în calitate de STO, doamna senator Doina Silistru (PSD), domnii senatori Constantin Găucan (PRM) și Valentin Dinescu (PRM), precum și domnul Ionel Ivan - consilier.

Misiunea a urmărit evaluarea modului în care, în raport cu procesul de desfășurare a alegerilor parlamentare, sunt implementate angajamentele OSCE, ale Consiliului Europei și alte standarde internaționale cu privire la procesele electorale democratice și la legislația internă.

În zilele de 19 și 20 ianuarie a.c., la Belgrad, au fost organizate activități de pregătire a EOM care au oferit STO din partea organizațiilor parlamentare internaționale (IP-STO) posibilitatea aprofundării contextului politic în care urmau să aibă loc alegerile sub diferite aspecte, precum: cadrul legislativ specific, evenimentele care au marcat campania și perioada premergătoare acesteia, modul în care au fost rezolvate sesizările referitoare la încălcarea legislației, elementele care pot afecta negativ corectitudinea procesului și măsurile ce stau la îndemâna IP-STO pentru a contracara astfel de evoluții.

Pregătirea a fost deschisă în dimineața zilei de 19 ianuarie a.c. de o întâlnire la care au participat IP-STO și domnul Göran Lennmarker - coordonator special al EOM pentru STO și șef al Delegației AP OSCE, domnul Tadeusz Iwinski - șeful Delegației APCE, și domnul Assen Agov - șeful Delegației AP NATO, ocazie cu care au fost remarcate, între altele, neparticiparea Parlamentului European la această misiune și accesul în premieră al minorităților naționale din Serbia la alegeri parlamentare.

O a doua întâlnire a urmărit familiarizarea IP-STO cu aspectele politice generale privind alegerile, în prezidiu aflându-se domnul Ambasador Hans Ola Urstad - șeful Misiunii OSCE în Republica Serbia, și domnul Denis Huber - șeful Biroului Reprezentantului Special al secretarului general al Consiliului Europei în Republica Serbia.

Domnul Urstad a apreciat faptul că, pe fond, procesul de reformă merge bine în Serbia. Potrivit domnului Urstad mass-media este relativ politizată, moștenirea lui Miloșevici se mai resimte, destule atitudini din trecut fiind încă prezente în dezbaterile publice, iar Serbia se află într-o prelungită etapă de reconciliere cu vecinii.

Domnul Huber a trecut în revistă principalele formațiuni electorale înscrise în alegeri, a evaluat poziționarea acestora în raport cu temele publice majore aflate în dezbateri și șansele cu care acestea sunt creditate pentru a intra în noul parlament (pentru formațiunile care nu reprezintă minoritățile naționale, pragul electoral este de 5 %).

Următoarea întâlnire din program a reunit IP-STO și reprezentanți ai echipei centrale a EOM a OSCE / ODIHR, respectiv: domnul Ambasador Geert Ahrens - șeful Misiunii OSCE / ODIHR, doamna Linda Edgeworth - șef adjunct al Misiunii OSCE / ODIHR, domnul Yani Milchakov - analist politic, domnul Harald Jepsen - coordonatorul LTO, doamna Elma Šehalić - analist media, domnul Tigran Karapetyan - analist juridic și domnul Dimitar Dimitrov - analist electoral.

Cu acest prilej au fost mai întâi detaliate elementele de climat politic intern și internațional în care au loc alegerile. A fost astfel subliniată importanța crucială a alegerilor privită din perspectiva parcursului Serbiei în context internațional, precum și atenția cu care comunitatea internațională privește problematica Kosovo și cea privind

colaborarea Serbiei cu Tribunalul Penal Internațional (în special pe tema prinderii și predării generalului Ratko Mladić). Separat au fost prezentate detalii despre cele câteva zone considerate ca "fierbinți" (Kosovo, Sandžak, etc).

A urmat prezentarea Misiunii de observare, a elementelor principale privind legislația electorală și a modului în care s-a derulat campania.

Între altele a fost remarcat accesul spre mandate parlamentare acordat prin noua legislație electorală minorităților naționale, campania a fost apreciată ca fiind vie și au fost enumerate temele dezbaterii interne din campanie, între acestea detașându-se cele legate de evoluția relației Serbia-UE, de vizele Schengen și de problematica Kosovo, temele pur economice fiind situate în planul secund. S-a specificat că au existat foarte puține plângeri, mass-media centrală fiind relativ echilibrată, iar cooperarea cu Comisia Electorală Republicană a fost estimată ca fiind excelentă.

Lucrările de pregătire au continuat, în după-amiaza zilei de 19 ianuarie a.c., cu întâlnirea IP-STO cu reprezentanții Comisiei Electorale Republicane (CER), respectiv domnii: Miodrag Petrović, membru, și Marko Danilović, secretar.

Reprezentanții CER au insistat asupra prevederilor electorale nou introduse, au atins principalele probleme cu care s-au confruntat în campanie și modul în care le-au rezolvat, apoi au prezentat o serie de date statistice, inclusiv referitor la măsurile luate pentru cetățenii de naționalitate sârbă cu drept de vot aflați în străinătate (în 34 de alte state), și au concluzionat afirmând că sunt pe deplin pregătiți pentru a face față cu succes alegerilor din 21 ianuarie 2007. În continuare reprezentanții CER au răspuns întrebărilor adresate de IP-STO, între acestea cele mai importante privind modul în care minoritățile naționale pot accede în parlament și privind interpretarea controversatei prevederi din legislația electorală potrivit căreia partidele pot modifica ordinea de pe listă chiar și după anunțarea rezultatelor scrutinului.

În ultima parte a zilei de 19 ianuarie a.c. și în prima secțiune a zilei de 20 ianuarie a.c. au avut loc întâlniri ale IP-STO cu reprezentanții ai principalelor formațiuni politice, în următoarea ordine: Coaliția formată din Partidul Democrat din Serbia (DSS) și Partidul Noua Serbie (NS); Formațiunea G17 Plus; Mișcarea Reînnoirii Sârbe (SPO); Partidul Socialist din Serbia (SPS); Partidul Radical Sârb (SRS); Partidul Democrat (DS); Coaliția formată din Partidul Liberal Democrat (LDP), Alianța Civică Sârbă (GSS), Uniunea Social Democrată (SDU) și Liga Social-Democraților din Vojvodina (LSV); Unitatea Maghiară; Coaliția "Lista pentru Sandžak"; Coaliția Albanezilor din Valea Preševo (KAPD); Uniunea Romilor din Serbia (URS); Partida Romilor.

Tot în ziua de 20 ianuarie a.c., a avut loc întâlnirea IP-STO cu reprezentanți ai mass-media și anume: domnul Bojan Brkić - Radioteleviziunea Sârbă (RTS), domnul Saša Mirković - Canalul TV (și agenția media) B92 și doamna Nadežda Gaće - Asociația Jurnaliștilor Independenți din Serbia.

Principalele concluzii care s-au desprins au fost :

- în perioada campaniei electorale din Serbia, se poate vorbi de o distribuție oarecum egală a aparițiilor partidelor politice în mass-media. A fost dat următorul exemplu: la posturile de televiziune RTS, RTV și B-92, Partidul Democrat din Serbia - DSS, a beneficiat de 22% din timpul de campanie, Partidul Democrat - DS, de circa 21%, Formațiunea G 17 Plus de 11%, etc., cu respectarea algoritmului stabilit de legea electorală;

- electoratul sârb este informat politic, este nepărtinitor, dar nu se prezintă la vot pentru a amenda clasa politică actuală, în ansamblul ei;
- partidele minorităților au beneficiat de o campanie mai redusă în mass-media;
- neclarificarea statutului Kosovo ar putea crea o criză internă în Serbia.

Ultima secțiune a programului de pregătire a prilejuit întâlnirea cu câțiva reprezentanți ai organizațiilor neguvernamentale sârbe. Concluziile desprinse s-au circumscris, în mare parte, în zona climatului politic evidențiat în secțiunile anterioare. Au reținut astfel atenția IP-STO următoarele opinii: “electoratul sârb este insuficient de matur”, “există o mare ruptură socială între electoratul ce dorește integrarea euroatlantică a țării și electoratul antioccidental”, “mentalitatea sârbă este o mentalitate de învingător, motiv pentru care rezolvarea situației din Kosovo este o problemă delicată”.

De remarcat că în cadrul dezbaterii prilejuite de această ultimă secțiune, domnul Alexandr Fomenko (membru al Delegației Federației Ruse la APCE) a avut o intervenție critică la adresa celor care pun în mod automat eticheta de “populist” acelor formațiuni politice din Serbia care ori nu au un discurs pro-european, ori se opun independenței Kosovo, precum și a celor care etichetează ca “democrați” doar acele formațiuni politice care nu prezintă nici una din cele două caracteristici aici amintite. Deputatul rus a acuzat un anume sprijin din partea SUA și UE pentru unele formațiuni politice sârbe, precum și incisivitatea cu care partenerii euroatlantici încearcă să-i convingă pe sârbi de necesitatea cooperării cu TPI sau de ireversibilitatea drumului către UE și NATO al Serbiei.

Imediat după pregătire, a avut loc întâlnirea unei părți a IP-STO cu LTO reprezentând ODIHR, repartizați în zonă cu câteva săptămâni înainte de sosirea STO, ocazie cu care au fost detaliate aspectele tehnice privind: completarea formularelor de raportare; obligațiile, atribuțiile și limitele prerogativelor observatorilor; elementele cheie ce trebuie avute în vedere în timpul procesul de observare.

După aceasta fază, după caz, unele din echipele de IP-STO s-au deplasat în regiunea de observare sau au jonționat cu translatorii și șoferii locali și, în unele situații, au mers pe teren pentru a identifica secțiile de votare și a configura traseul optim.

Observatorii din Delegația Camerei Deputaților au făcut parte din patru echipe, astfel:

O prima echipă (nr. 120), formată din domnii deputați Miron Ignat și Slavomir Gvozdenovici, a fost repartizată în zona districtului Braničevo (Požarevac - Veliko Gradište) unde s-a deplasat cu autoturismul Camerei Deputaților de unde a revenit pentru a returna formularele de observare la Belgrad (în data de 22 ianuarie 2007).

O a doua echipă (nr. 125), formată din domnii deputați Valeriu Gheorghe și Alecsandru Știucă, a fost repartizată în zona Palilula (aferentă capitalei Belgrad).

O a treia echipă (nr. 126), formată din domnul deputat Bogdan Pascu și domnul consilier Mario Ruse, a fost repartizată în zona Zvezdara (aferentă capitalei Belgrad).

Ultima dintre echipe (no. 219) a fost formată în fapt doar din domnul deputat Gheorghe Adrian Miulescu (din motive medicale secundantul domnului deputat Miulescu nu a putut participa la misiunea de observare) fiind repartizată în regiunea Obrenovac (la Vest de Belgrad).

În îndeplinirea misiunii echipele 125, 126 și 219 au beneficiat (contra-cost) de mașină, șofer și translator local.

Cele două echipe ale Senatului României au fost repartizate în zona capitalei Belgrad.

Activitatea de observare propriu-zisă din ziua alegerilor (21 ianuarie 2007) a presupus acțiunea fiecărei echipe pe baza propriului plan de răspândire.

În cadrul acestei activități, cele patru echipe formate din observatori din partea Camerei Deputaților au ținut legătura cu organizatorii și cu LTO, cărora le-au raportat faptul că ***nu au înregistrat incidente sau iregularități semnificative în procesul de vot și că, sub aspect procedural, organizarea alegerilor a fost foarte bună.***

În dimineața zilei de 22 ianuarie a.c., la Belgrad, a avut loc o ședință a Delegațiilor AP OSCE, APCE și AP NATO pentru analiza rezultatelor, prilej cu care relatările observatorilor s-au înscris toate în nota de “alegeri libere și corecte”, fiind apreciată atmosfera extrem de pozitivă, cu foarte rare și nepremediate cazuri de iregularități (“vot în familie” și o secretizare deficitară a actului de vot datorită configurației improprie a “cabinelor de vot”).

În conferința de presă comună a coordonatorilor Misiunii internaționale de observare a alegerilor care a avut loc tot la Belgrad, în după-amiaza zilei de 22 ianuarie a.c., pe baza datelor preliminare, s-a afirmat, în principal, că **alegerile au fost “libere și corecte” și au asigurat o autentică oportunitate cetățenilor sârbi pentru a alege liber dintr-o serie de platforme politice. Cele 20 de partide politice și coaliții înscrise au competiționat viguros într-un climat de campanie deschis. Campania electorală a fost calmă, iar verificările și echilibrul au asigurat faptul că alegerile reflectă voința poporului și că sunt în linie cu angajamentele OSCE și cu standardele Consiliului European.**

Domnul Göran Lennmarker, coordonator special al EOM pentru STO, a mai apreciat profesionalismul, ordinea și buna organizare de care poporul sârb a dat dovadă.

Domnul Tadeusz Iwinski, șeful Delegației APCE, a ținut să sublinieze că modul în care s-au desfășurat alegerile probează progresele semnificative pe care Serbia le-a făcut în domeniul libertății de expresie a electoratului sârb, a cărui participare activă arată implicarea intensă în determinarea direcției de dezvoltare a țării.

Domnul Assen Agov, șeful Delegației AP NATO, a întărit afirmațiile predecesorilor săi, exprimându-și încrederea că și concluzile Misiunii se vor situa în aceeași notă.

În final, Ambasadorul Geert Ahrens, șeful Misiunii OSCE / ODIHR, a afirmat că ODIHR a trimis o echipă de observatori experimentați iar constatările acestora reprezintă un compliment pentru standardele democratice pe care Serbia le-a atins.

Constatările observatorilor au fost într-o măsură covârșitoare extrem de pozitive, fiind menționate foarte puține iregularități, precum dimensionarea improprie a panourilor care asigură secretizarea actului de vot.

La 25 ianuarie a.c., CER a prezentat rezultatele finale ale alegerilor, prezența la vot fiind de 60,4 %. Au reușit să acceadă în Parlamentul Republicii Serbia următoarele formațiuni politice:

1. Partidul Radical Sârb (SRS) - 81 locuri (28,59 % voturi);

2. Partidul Democrat (DS) - 64 locuri (22,71 % voturi);
3. Coaliția formată din Partidul Democrat din Serbia (DSS) și Partidul Noua Serbie (NS) - 47 locuri (16,55 % voturi);
4. Formațiunea G 17 Plus - 19 locuri (6,82 % voturi);
5. Partidul Socialist din Serbia (SPS) - 16 locuri (5,64 % voturi);
6. Coaliția formată din Partidul Liberal Democrat (LDP), Alianța Civică Sârbă (GSS), Uniunea Social Democrată (SDU) și Liga Social-Democraților din Vojvodina (LSV) - 15 locuri (5,31 % voturi);
7. Alianța Maghiarilor din Vojvodina (SVM) - 3 locuri (1,3 %);
8. Coaliția "Lista pentru Sandžak" - 2 locuri (0,84 %);
9. Uniunea Romilor din Serbia (URS) - 1 loc (0,42 %);
10. Coaliția Albanezilor din Valea Preševo (KAPD) - 1 loc (0,42 %);
11. Partida Romilor - 1 loc (0,36 %).

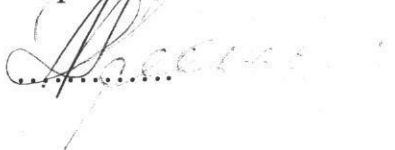
Potrivit datelor primite de la Ambasada României la Belgrad, pentru prima oară un reprezentant al minorității române din Serbia, domnul Ion Magda, a obținut un mandat de parlamentar (pe listele Partidul Democrat - DS).

Adăugăm faptul că, participanții din partea Camerei Deputaților au avut, în data de 19 ianuarie a.c., la sediul Ambasadei României la Belgrad, o întrevedere pe teme legate de Misiune cu domnul Ambasador Ion Macovei.

Atașăm prezentei informări declarația privind constatările și concluziile preliminare al Misiunii internaționale de observare a alegerilor.

Din partea Delegației Camerei Deputaților,

Deputat Miron Ignat



Redactat: Mario Ruse - consilier



OSCE/ODIHR ELECTION OBSERVATION MISSION

Republic of Serbia — Parliamentary Elections, 21 January 2007

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Belgrade, 22 January 2007 – Following the invitation from the Republic Election Commission of the Republic of Serbia, the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a long-term Election Observation Mission (EOM) to observe the 21 January 2007 parliamentary elections.

The Preliminary Conclusions reproduced below have been issued in a separate Preliminary Statement by the International Election Observation Mission (IEOM) which was a joint undertaking of the OSCE, comprising the OSCE/ODIHR and the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the NATO Parliamentary Assembly. The IEOM assessed the 21 January parliamentary elections in Serbia on the basis of the organizations' respective standards and commitments for democratic elections, as well as compliance with domestic legislation. This statement is based on the observations made by the parliamentarians, the briefings they have received, the Preliminary Findings of the ODIHR and its observers, and the Pre-Election Missions that PACE and the OSCE PA have undertaken in December 2006. The observation mission has followed the preparations and conduct of elections in Kosovo, but will not comment on any other issue related to Kosovo outside the scope of its mandate.

This preliminary statement is delivered prior to the announcement of final results, and the expiry of legal deadlines for hearing possible complaints and appeals. A conclusive assessment of the entire election will depend, in part, on the conduct of these remaining phases of the process.

The OSCE/ODIHR wishes to thank the authorities of the Republic of Serbia, the Republic Election Commission, the Ministry of Foreign Affairs and other state and local authorities for their assistance and cooperation. The IEOM also wishes to express appreciation to the OSCE Mission to Serbia and the OSCE Mission in Kosovo for their support throughout the duration of the mission and the Embassies of OSCE participating States in Belgrade for their support.

PRELIMINARY CONCLUSIONS

Belgrade, 22 January 2007 – The 21 January parliamentary elections in Serbia were free and fair. They provided a genuine opportunity for the citizens of Serbia to freely choose from a range of political platforms. The 20 lists of political parties and coalitions vigorously competed in an open campaign environment. The election campaign was calm, and checks and balances ensured that the election reflects the will of the people, in line with the OSCE's Commitments as well as with the Council of Europe standards.

Voting on Election Day was conducted in a peaceful and orderly fashion. International observers were greeted warmly, and well-informed officials willingly briefed the observers at the many polling stations around the country. The officials performed their tasks in a well-organized and professional

manner, which contributed to the high level of confidence among voters. The counting went smoothly and efficiently.

The twenty lists of political parties and coalitions were registered in an inclusive process, providing voters with broad choices in a competitive electoral environment. Six lists represented minorities. For the first time in recent years, Albanian minority parties contested national elections. Official documentation was also widely available in minority languages.

The campaign was vigorous and carried out in an unrestricted atmosphere. A diverse range of media provided voters with extensive information about the competitors and their campaign activities. Public broadcasters generally provided balanced coverage of the campaigns of major parties. Campaign-related coverage was predominantly positive in tone.

The Republic Election Commission (REC) conducted its work in an open and transparent manner. Each party, coalition or group of citizens submitting a candidate list had the right to delegate one member and one deputy member to the “extended” composition of the REC and Polling Boards. This promoted adherence to the legal requirements and contributed to the general confidence of electoral contestants in the administrative conduct of the elections, although some complaints were filed with regard to the inconsistent manner in which Polling Board members were chosen.

The legal framework provides important safeguards that promote democratic election practices, ensure transparency and protect the secrecy of the vote. One of the 2004 amendments to the Law on the Election of Representatives (LER), which waived the five per cent threshold for parties and coalitions of minorities, resulted in increased participation of such parties.

The LER allows a party to choose, after the elections, which candidates from its list become members of parliament, disregarding the order of the list. This is uncommon, and concerns have been raised that this might give too much power to the party leaderships. This also might reduce the compelling effect of the gender quota for the lists that the law has established.

The law does not provide for intermediary election commissions between the REC and the Polling Boards. The REC has partially addressed this issue by creating municipal Working Groups (WGs). However, numerous complaints resulted from inconsistent selection practices because of the absence of uniform rules.

The Republic Election Commission adopted provisions that lowered the election law’s signature requirements in support of electoral lists of minority parties and coalitions from 10.000 to 3.000. Four of the six minority parties and coalitions registered for these elections with less than 10.000 signatures. Several formal complaints about this were all rejected by the Supreme Court.

The National Assembly did not form the Supervisory Board charged with monitoring and supervising the pre-election activities of the parties and the media as foreseen in the law. A number of complaints have instead been submitted to the Republican Broadcasting Agency. Concerns have been raised whether it has the required degree of neutrality and transparency.

PRELIMINARY FINDINGS

Background

The Parliamentary Elections in the Republic of Serbia on 21 January 2007 were of special significance; they were the first elections following the dissolution of the State Union of Serbia and Montenegro, and the adoption of the new Constitution of Serbia in October 2006. Moreover, a possible resolution of the future status of Kosovo is expected in the near future.

The elections were called before the expiry of the four-year term of the outgoing National Assembly (the Parliament) as a result of transitional provisions prescribed for the implementation of the new Constitution. These same transitional provisions also mandate that the newly elected National Assembly is to re-appoint a number of key officials of other institutions including judges of the Supreme Court and Constitutional Court.

Election System and Legal Framework

The 250 members of the National Assembly are elected for a four-year term through a system of proportional representation in a single nation-wide constituency. These elections were the first in which amendments introduced into the LER in 2004 waived the five per cent threshold for parties and coalitions of persons belonging to national minorities. Neither the law nor the Guidelines of the REC provide criteria for defining a minority party. Other parties and coalitions have to pass the five per cent threshold. In an Official Interpretation, the Republican Election Commission clarified that the threshold is calculated on the number of voters on the voters lists for whom their ordinal number is circled indicating they voted. Mandates are allocated to party and coalition candidate lists by means of the D'Hondt formula.

The legal framework provides important safeguards that promote democratic election practices, ensure transparency and protect the secrecy of the vote. However, there remain a number of outstanding issues, mostly highlighted in previous OSCE/ODIHR reports and assessments.

Article 84 of the LER allows a party to choose which candidates from its list become members of parliament after the elections, instead of determining the order of candidates beforehand. This limits the transparency of the system and gives political parties a disproportionate level of control over its candidates. The current system results in voters not knowing which candidates are likely to be seated as a result of their support for a particular party. This provision also diminishes the potential positive effect of the requirement that 30 per cent of the candidates appearing on the electoral list must belong to the less-represented gender by turning it into a mere formality for submitting a list.

Other shortcomings in the law, such as the absence of provisions covering international and domestic observers, have been addressed in the regulations and decisions of the Republic Election Commission. However, some provisions of the REC's regulations have been criticized and have prompted formal complaints, highlighting the need to legislate important aspects of the election process. In particular, the REC's guidelines that lowered the election law's signature requirements in support of the electoral lists of minority parties and coalitions from 10,000 to 3,000.

The lack of provisions instituting an intermediate level of election administration bodies between the REC and the Polling Boards continued to cause concerns. The REC's Guidelines creating municipal Working Groups do not clearly define the appointment criteria to be applied in determining their composition resulting in inconsistencies in the selection practices from one municipality to another, and competition among the parties for representation on these bodies. Aside from their logistical

support duties, WGs also propose the nominees for the permanent composition of Polling Boards to the REC. While the law is clear on the rights of competing parties and coalitions to be represented in the “extended” membership of the PBs, there is insufficient guidance relative to the appointment of their permanent composition. Numerous complaints were lodged by political participants claiming that they were under-represented in the membership of the WGs and the permanent composition of the Polling Boards. However, the absence of formal laws or regulations governing the participation by parties and coalitions on the WGs severely limits possibilities for legal challenges on the matter.

Election Administration

The administrative structure for the organization of the elections is centralized under the leadership of the Republic Election Commission. Thirty members of the REC were appointed as District Coordinators and supervised the 183 Working Groups. The REC established 8,531 polling stations, including 267 polling stations that served voters in 22 of the 29 Kosovo municipalities. For the purposes of the election, Kosovo was divided into two electoral administrative districts. However, their REC Coordinators operated from Raška and Vranje, which are located outside Kosovo. There were also 57 polling stations in 34 countries abroad including Montenegro.

The REC conducted its work in an open and transparent manner. Each party, coalition or group of citizens submitting a candidate list had the right to delegate one member and one deputy member to the “extended” composition of the REC and Polling Boards. This promoted adherence to the legal requirements and contributed to the general confidence of the electoral contestants in the administrative conduct of elections. Except for the issues related to the registration of minority lists supported by fewer than 10,000 signatures, the REC was able to reach a consensus for most of the decisions taken. All decisions of the REC were made in sessions open to observers and journalists. They were routinely covered by the press and were posted on the REC’s website. WG’s were also generally open and cooperative with the EOM observers.

Responsibility for the tabulation of results does not rest with the REC but with the Statistical Office of the Republic of Serbia. The modalities of participation of the Statistical Office in this effort are not defined in the LER and the REC regulations.

Voters Lists

Voter registration in Serbia is passive and voter lists are compiled from data contained in the civil registry. The voter lists are maintained on a continuous basis by municipal authorities under the supervision of the Ministry of Public Administration and Local Self-Governance. By law, electronic formats of the municipal rolls are to be linked in a national electoral register. However, the establishment of such a central voter register has not yet been accomplished. The process of voter registration in the 22 municipalities in Kosovo was started anew in 2000, where 101,688 inhabitants entered the civil registry and were therefore eligible to vote in these elections.

The total number of registered voters for these elections was 6,652,105 reflecting an increase of 14,466 over the number registered for the referendum held in October 2006. In addition, 31,370 voters abroad were registered as were 7,082 voters in prisons.

Some of the parties questioned the correctness of the register and the press reported some individual inaccuracies. However, the voter lists were open for public scrutiny for 55 days, which provided sufficient opportunities for voters and parties to proactively contribute to the correctness of the lists. The lack of a centralized database has resulted in military voters, imprisoned voters, and voters

abroad not being removed from the list for their regular polling stations. REC guidelines ensured that these duplicate entries are not included in the total number of voters.

Officials admitted that there are difficulties in ensuring the accuracy of the lists, particularly in relation to the removal of names of voters who have died outside Serbia, and voters who do not register their changes of residency when they move from one municipality to another. The OSCE/ODIHR EOM was also informed that there are still significant numbers of Roma who do not appear in the civil registry, which results in their disenfranchisement.

Candidate Registration

Twenty political parties and coalitions involving 3,799 candidates were registered in an inclusive process, providing voters with broad choices in a competitive electoral environment. Their ballot position reflected the order in which they were registered, namely: 1. Democratic Party – Boris Tadić; 2. G17 Plus – Mladen Dinkić; 3. Liberal Democratic Party/Civic Alliance of Serbia/Social Democratic Union/League of Social Democrats of Vojvodina – Čedomir Jovanović; 4. Serbian Radical Party – Vojislav Šešelj; 5. Democratic Party of Serbia/New Serbia – Vojislav Koštunica; 6. Movement Force of Serbia – Bogoljub Karić; 7. Serbian Renewal Movement – Vuk Drašković; 8. Alliance of Vojvodina Hungarians – József Kasza; 9. Party of United Pensioners – Jovan Krkobabić, and Social-democratic Party – Nebojša Čović; 10. Coalition List for Sandžak – Sulejman Ugljanin; 11. Socialist Party of Serbia; 12. Branko Pavlović – “Because it has to be better”; 13. Coalition “Vojvodina Parties” – Igor Kurjački; 14. Union of Roma in Serbia – Rajko Đurić; 15. Reformist Party – Aleksandar Višnjić; 16. Democratic Community of Serbia – Obren Joksimović; 17. Coalition of Albanians from the Preševo Valley; 18. Socialdemocracy – Nenad Vukasović; 19. Hungarian Unity – Ándras Ágoston, Pál Sándor; 20. Roma Party – Srđan Šajn.

Two candidate lists were rejected on the basis that they had not provided a sufficient number of signatures.

Participation of National Minorities

The abolishment of the five percent threshold for participation in the distribution of mandates for parties and coalitions of national minorities, coupled with the reduction of signature requirements in support of their electoral lists, provided new opportunities for these parties to run independently without entering into pre-election coalitions with major parties as it was often the case in the past. While the Coalition List for Sandžak – Sulejman Ugljanin and the Alliance of Vojvodina Hungarians – József Kasza submitted lists supported by 10,000 signatures, the Roma Party – Srđan Šajn, The Coalition of Albanians from the Preševo Valley, Hungarian Unity – Ándras Ágoston, and Union of Roma in Serbia – Rajko Đurić, took advantage of the lower signature requirements.

The registration of the Coalition of Albanians from the Preševo Valley represents the first participation by an Albanian party or coalition in national elections since 1997; however, other Albanian parties declined to participate and publicly encouraged Albanian voters to boycott the election. Bosniak and Hungarian minorities were also divided in their choices as to which of their parties would best represent the interests of their minority group. In the weeks leading up to the election, there were some concerns that the division of political forces would raise tensions among the Albanian population. Similar concerns surrounded the rivalry between the Bosniak Democratic Party and the Coalition List for Sandžak, both allied with coalition partners. However, they never materialized and there were no disruptions of voting on election day.

Voter information and ballots were available in several minority languages.

Campaign Environment

In national elections since 2000, the parties and civil movements with roots in the previous anti-Milošević Democratic Opposition of Serbia (DOS) have had a level of popular support that exceeded that of parties with nationalist ideologies typical of the recent history. For these elections, the campaign environment was characterized by deep differences between the leading parties of the former DOS Coalition, leading to shifting political allegiances among those formerly grouped together in coalition against the Milosevic regime.

Social issues, the economy, anti-corruption and EU integration were the dominant topics in the campaign. The expected possible resolution of the future status of Kosovo remained a notable issue influencing the strategies of the political campaigns. However, the vibrant rhetoric on the issue of Kosovo that dominated the campaigns during the 2006 referendum on the Constitution was de-emphasized in the campaigns for these elections. Calls for the retention of Kosovo within Serbia were reflected in virtually every party's platform and were reiterated by some party leaders at party conventions and in speeches.

All contestants in the elections had unimpeded campaigning opportunities. Campaigns were vigorous and parties and candidates made use of media, rallies, public events, numerous billboards and leaflets. The bigger parties and coalitions linked some major campaign events to the holiday calendar in the end of 2006 and beginning of 2007.

Except for a few negative messages in the campaigns of some parties, most of the campaigns were positive in tone. Rare incidents of inflammatory campaign messages appeared on materials produced anonymously.

The Media

The campaign was vigorous and carried out in an unrestricted atmosphere. A diverse range of media provided voters with the extensive information about the competitors and their campaign activities.

The legal framework of the campaign in the media is governed by the LER and the Broadcasting Act. On 16 November 2006, the Republican Broadcasting Agency issued "General Binding Instructions to Radio and Television Stations (Broadcasters) Regarding Conduct in the Pre-election Campaign for the 2007 Parliamentary Elections".

Under the law, all radio and television stations are required to ensure equality in reporting on parties and coalitions appearing on the ballot. The Broadcasting Act obliges the Broadcasting Institution of Serbia (RTS), the Broadcasting Institution of Vojvodina (RTNS), radio and television stations of local and regional communities and the civil sector to provide free-of-charge broadcasting for the "promotion" of political parties, coalitions and candidates participating in the election. Article 78 of the Broadcasting Act provides that the public media may not broadcast paid pre-election "promotion". However, "promotion" is not clearly defined and the Media Monitoring Unit of the EOM observed that public TV RTS 1 did broadcast paid campaign ads.

From 22 December 2006 until the beginning of the campaign silence period which began 48 hours prior to election day, the OSCE/ODIHR Election Observation Mission conducted qualitative and quantitative analyses of six hours of primetime broadcasts each day on three TV channels including public RTS 1, and private TV Pink and TV B92. In addition, five private newspapers were monitored – *Večernje Novosti*, *Blic*, *Kurir*, *Politika* and *Danas*.

During the reporting period, the amount of paid campaign advertising increased exponentially. The tone was generally positive in broadcast media while the share of negative messages presented in the print media was much higher. While television is the most important medium in Serbia, press circulation remains among the lowest in Europe, estimated at less than 100 copies sold per 1,000 inhabitants.

The media monitoring data of the OSCE/ODIHR EOM indicate that the public service broadcaster RTS 1 provided relatively balanced coverage of the main political contestants. The Democratic Party received a coverage of 21 per cent, DSS 16 per cent, SRS 18 per cent, SPO 16 per cent, SPS 9 per cent, G17 Plus 8 per cent and LDP 5 per cent. The tone of the coverage of all contestants was predominantly positive (72 per cent) or neutral (17 per cent) although the Socialist Party of Serbia received coverage in a negative tone at 30 per cent. In contrast, privately owned TV B92 dedicated the most time to DS (25 per cent), followed by DSS (19 per cent). The overall tone was positive (64 per cent) or neutral (23 per cent) although the Serbian Radical Party and the Socialist Party of Serbia received coverage in a negative tone at 28 per cent and 22 per cent respectively. Privately owned TV Pink covered the Serbian Radical Party in 24 per cent of the relevant time, the DSS in 21 per cent and the DS in 20 per cent; the tone of this coverage was overall positive.

These statistics do not include paid campaign advertising. However, paid advertising comprised a significant share of campaign information on the monitored channels. On TV Pink 65 per cent of all election-related coverage involved paid advertising. Paid advertising comprised 29 per cent of the campaign coverage on TV B92 and 17 per cent on RTS 1. It was noted that on TV Pink during a ten day period after the new year began and paid advertising escalated, prime time news was excluded from its programming. The public service broadcaster RTS provided free-of-charge and balanced broadcast of promotion of all contestants as prescribed by the Broadcasting Act. However, the free airtime was placed only on RTS 2, a channel which has an audience share less than 5 per cent, undermining the value of the free of charge advertising devised to ensure greater equality in the presentation of smaller political parties.

Excluding paid space and paid supplements, the newspaper *Večernje Novosti* dedicated the most space to DS (42 per cent) and to a lesser degree to DSS (20 per cent). *Blic* coverage of the campaign was slightly in favor of DS (38 per cent) and G17 Plus (24 per cent) with 22 per cent dedicated to DSS and only 3 per cent to the Serbian Radical Party. *Politika* slightly favored DS (31 per cent) while *Danas* provided overall balanced coverage of the campaign with 28 per cent for DS, 21 per cent for DSS, 11 per cent for G17 Plus, 10 per cent for LDP, and 9 per cent for SPS.

Complaints and Appeals

The LER (Article 94) provides that electoral complaints can be lodged with the REC, which has the power to take decisions by a majority vote of its full membership. All REC decisions on complaints can be appealed to the Supreme Court. The review of these appeals by the Supreme Court is performed *in camera* and do not provide a sufficient level of transparency.

The LER (Article 99) provides for the creation of a campaign Supervisory Board, a body that is responsible for general supervision of the campaign. However, the National Assembly failed to establish this body creating a significant gap in the way complaints related to campaign activities and the media were dealt with.

In the absence of the Supervisory Board, the Republic Broadcasting Agency (RBA) remains the only venue for election related complaints in the broadcast media. The RBA informed the OSCE/ODIHR

EOM that this body will be dealing with the complaints only after elections, effectively eliminating the possibilities for any legal remedies before the elections. Moreover, some of the EOM interlocutors expressed concerns regarding the neutrality and transparency of the RBA's work.

The REC reviewed all complaints it received in publicly accessible sessions and decided on them by open voting. Two main categories of complaints were filed to the REC: (a) complaints related to the registration of national minority parties which submitted less than 10,000 signatures in support of their lists and the relevant provision of the REC Guidelines; and (b) complaints related to the composition of Working Groups and Polling Boards. Early in the process, a complaint was also filed with the REC related to the failure to form the Supervisory Board which the REC found outside of its competence.

The OSCE/ODIHR EOM was advised that there were 19 complaints submitted to the Supreme Court of Serbia relative to decisions or regulations of the REC. In a decision dated 5 January, the Supreme Court upheld the REC's regulations reducing the number of signatures required in support of a national minority's list. The court ruled that requiring 10,000 signatures would be contrary to international provisions on minority rights, and further that in order to ensure equality, the numerical strength of the national minority and its economic, social and other living conditions should be taken into account when determining the number of signatures required.

The Constitutional Court of Serbia also received two complaints related to the lowered signature requirement. However, the Constitutional Court is currently unable to call sessions to hear any cases due to the recent retirement of its Chairman and the effect of the transitional provisions of the new Constitution.

Domestic and International Observers

A total of 4,744 international and domestic observers were accredited to observe the elections. The non-governmental organization, the Center for Free Elections and Democracy (CeSID), deployed the largest group of domestic observers fielding 3,792 observers. CeSID also engaged in a nationwide get-out-the-vote campaign that involved mailing and distributing 1.5 million informational flyers. In addition, the Youth Initiative for Human Rights and the Roma Center for Strategy, Development and Democracy (an NGO from Lazarevac) also deployed 13 observers to monitor the polls.

Election Day

Over the course of election day, IEOM observer teams observed the processes at over 1,500 polling stations in regions throughout the country including Kosovo. Observation reports were received and processed involving 1,374 covering the conduct of the polls, 139 covering the opening of the polls, 98 covering the counting process and 72 covering the transfer of materials and results to the Working Groups. In addition, 420 narrative reports were received and summarized. The remaining reports will be integrated into the analysis and included in OSCE/ODIHR's final report.

The Election Day was calm and orderly, with the voting process assessed by IEOM observer "very good" in 59 per cent of the sites visited and "good" in 38 per cent of polling stations observed. The process was described as generally transparent and efficiently conducted. Some irregularities were noted. In 17 per cent of the polling stations observed observers reported that the secrecy of the vote was compromised by the inadequacy of the voting screens, which were low and flimsy. This situation was aggravated in smaller polling stations. In 8 per cent of the stations visited voters' IDs were not always checked, and in 6 per cent fingers were not consistently checked for evidence of ink. In approximately 10 per cent of the polling stations observed, IEOM observers noted that

arrangement of the polling stations, their size, the arrangement or location of booths, and the voting screens were inadequate. This and the high number of people who are authorized to be in the polling stations at times caused overcrowding. Family and group voting appeared to be a widespread problem and was observed in 23 per cent of polling stations visited. Campaign materials within a vicinity of 50 meters were evident in three per cent of PS visited, notably in in Zaječar, Vršac and Lazarevac. In six per cent of polling stations visited there were instances of voters being turned away because their name was not found on the voter lists.

Opening procedures presented some difficulties. Fourteen per cent of the stations visited the polls were not opened at 7:00. In 18 per cent of the sites, observers noted that the control sheet was not filled in, signed and inserted into the ballot box before it was sealed. In 14 per cent of the observations the ballot box was not inspected and sealed in the presence of the first voter. At four per cent of the stations where the opening procedures were observed operations were rated as "bad."

Closing and counting was assessed by IEOM observers as largely positive with 97 per cent of observations good or very good. While the process was generally transparent, parts of the procedure were frequently not followed. In 30 per cent of polling stations where the count was observed the unused ballots were not counted and packed in the envelope before opening the ballot box. Observers noted that circled ordinal numbers in front of the names were either not counted at all or counted after the ballot count at 12 per cent of the sites observed. In six per cent of counts observed Polling Board members had difficulties filling in of protocols. A copy of the protocol was displayed at a place available to the public in only nine per cent of the stations observed. In eight per cent of the cases the Results Protocol was not signed by all the members of the Polling Board present. In 21 per cent of the sites observers noted that special opinions of Polling Board members were entered into the Protocol.

In Kosovo, the five IEOM teams observing in and surrounding Mitrovica, Gnjilane, Štrpce and Gračanica reported a quiet and calm voting atmosphere and very good performance by the majority of Polling Boards. In Zvečan/Žitkovac observers noted that certain individual members of the Polling Board harassed some voters. In spite of a power outage in Gnjilane, polling continued by candlelight without interruption.

IEOM observers were generally positive about co-operation of Polling Boards and Working Groups, however, there were isolated instances where IEOM observers were obstructed in their observation or were denied access. In Preševo, IEOM observers were asked to leave one polling station on the basis that their REC accreditation was insufficient. Instances were also encountered in Vitina, Zemun, and Zvečan, Observers also witnessed instances where extended members of Polling Boards were prevented from entering the polling station by those representing an opposing political party. In Sjenica and Novi Pazar observers noted instances of proxy voting where voters were allowed to vote on behalf of someone not present, most commonly, men voting on behalf of their wives.

There were allegations of vote buying among Roma population in Palilula and Šabac. Official complaints in this regard were brought to the attention of the REC and copied to the OSCE/ODIHR EOM.

The conduct of the transfer of PB protocols to the Working Groups was assessed good or very good in all 72 observations.