

## **Inadequate judicial protection marked the 2022 elections**

The rule of law, as an underlying premise of the Constitution, entails free and direct elections. In Serbia, in the last decade, there has been a severe collapse of the rule of law as one of the basic constitutional principles. According to available data, the presidential, parliamentary and local elections held on April 3, 2022 were the elections with the most rights violations in the last twenty years.

In the publication "Elections of 2022 before the Administrative Court - an overview of actions and decisions", the Center for Judicial Research analyzes 484 judgments of the Administrative Court on electoral disputes and concludes that judicial protection, as an essential way of protecting electoral rights, was not available, efficient and effective.

The data show that the number and type of completed election disputes are disproportionate to the problems of conducting the election procedure. For instance, not a single complaint was submitted to the court regarding the media's actions during the election campaign, even though the unequal presentation of candidates in the media was highlighted in the negotiations on election conditions as the main problem. The same can be said about the decisions regarding the electoral roll registration process, which was decided in one procedure at the national level.

Amendments to election laws in 2022 resulted in the unavailability of legal remedies and the possibility of different interpretations and conduct in the same situations.

The Administrative Court had decided at sessions that were not open to the public, and the time it spent on resolving the election disputes was extremely short. The administrative court only exceptionally decided in a dispute of full jurisdiction, and the only support for its decision were records of other authorities. Court rulings also indicate that it has not been settled which means of evidence may be employed in the election dispute.

There is a noticeable tendency to non-resolving fundamental objections due to rejecting complaints or appeals for formal reasons. Also, the participants in the elections are not sufficiently familiar with the instruments of the legal protection of electoral rights.

Although they cannot impact the election result at this moment, court decisions can indicate the quality of the election process as a whole and preventatively influence the future behavior of the participants in the elections.

The authors of the analysis suggest that the elimination of existing deficiencies in electoral procedures and electoral disputes should be started immediately, between election cycles, in all problematic areas - starting with the modification of the normative framework itself, until informing the broadest public (citizens) about electoral rights and instruments with which they can protect those rights.