



Plenary sitting

B9-0131/2024

5.2.2024

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the situation in Serbia following the elections
(2024/2521(RSP))

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B9-0131/2024

European Parliament resolution on the situation in Serbia following the elections (2024/2521(RSP))

The European Parliament,

- having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, which entered into force on 1 September 2013¹,
 - having regard to the joint opinion of the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) of 15 December 2022 on the constitutional and legal framework governing the functioning of democratic institutions in Serbia,
 - having regard to its previous resolutions on Serbia, particularly its resolution of 10 May 2023 on the 2022 Commission Report on Serbia²,
 - having regard to its resolution of 13 December 2023 on 30 years of Copenhagen criteria – giving further impetus to EU enlargement policy³,
 - having regard to the statement of preliminary findings and conclusions of the International Election Observation Mission on the early parliamentary elections in Serbia of 17 December 2023,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas following the mass shootings in Belgrade and near Mladenovac in May 2023, mass protests under the slogan ‘Serbia against violence’ were organised across Serbia; whereas, against the backdrop of these protests, the President of Serbia, Aleksandar Vučić, announced early parliamentary elections to be held on 17 December 2023; whereas local elections in 65 cities and municipalities, including Belgrade, as well as provincial elections to the Assembly of Vojvodina also took place on 17 December 2023;
- B. whereas since 2012, all parliamentary elections in Serbia but one have been early elections; whereas these were the third parliamentary elections in less than four years;
- C. whereas an International Election Observation Mission (I-EOM) was deployed to observe the early parliamentary elections in Serbia on 17 December 2023; whereas this delegation was composed of the ODIHR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament;
- D. whereas the statement of preliminary findings and conclusions of the I-EOM highlighted that ‘the 17 December early parliamentary elections, though technically

¹ OJ L 278, 18.10.2013, p. 16.

² OJ C, C/2023/1065, 15.12.2023, ELI: <http://data.europa.eu/eli/C/2023/1065/oj>.

³ Texts adopted, P9_TA(2023)0471.

well-administered and offering voters a choice of political alternatives, were dominated by the decisive involvement of the President which together with the ruling party's systemic advantages created unjust conditions';

- E. whereas since the night of the elections, the opposition coalition 'Serbia against violence' has organised mass protests in Serbia calling for the annulment of the election results; whereas opposition members have requested the annulment of the elections before the Constitutional Court;
- F. whereas the campaign was overwhelmingly dominated by the incumbent President Vučić, who despite not being a candidate for these elections, assumed a central role in daily campaigning through heavy involvement in events of the Serbian Progressive Party (SNS), televised campaign appearances and party material, thus abusing the Office of the President and providing an undue advantage to his party; whereas the SNS-led list was named after President Vučić, which breaches the constitutional principle of representation of state unity of the Republic of Serbia;
- G. whereas on 19 December 2023, the High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrell, and the Commissioner for Neighbourhood and Enlargement, Olivér Várhelyi, issued a joint statement on the parliamentary elections in Serbia where they concluded with concern that the electoral process requires tangible improvement and further reform; whereas the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, Borrell, and Commissioner Várhelyi also stated that they expect credible reports of irregularities to be followed up in a transparent manner by the competent national authorities, including also allegations related to the local elections in Belgrade and other municipalities, and called on the Serbian political leadership to ensure a constructive, inclusive dialogue across the political spectrum;
- H. whereas, according to the 2023 Freedom in the World index, Serbia is considered a 'partly free' country;
- I. whereas Serbia has been a candidate country for EU membership since 2012; whereas accession to the EU is a merit-based process in which each candidate country needs to fulfil the Copenhagen criteria, in particular those of guaranteeing full respect for human rights, democracy and the rule of law;
 - 1. Is gravely concerned about the serious irregularities reported by international and domestic election observers regarding the parliamentary, provincial and local elections that were held in Serbia on 17 December 2023; considers that these elections cannot be deemed as free and fair; is alarmed by the widespread and systematic scale of fraud that compromised the integrity of the elections in Serbia;
 - 2. Calls on the OSCE, the Council of Europe and the Commission to immediately launch an independent international investigation into the parliamentary, provincial and local elections in Serbia, with special attention to the Belgrade City Assembly elections, with a clear deadline and no later than the publication of the ODIHR I-EOM final report; stresses that the results of this investigation should be reported to Parliament; calls for the EU and the Member States not to recognise the results of the elections until a full independent investigation of the electoral irregularities is completed; supports the

prompt deployment of an ad hoc fact-finding mission to Serbia as part of this international investigation, with the participation of Parliament;

3. Calls on the Serbian authorities to fully implement the long-standing recommendations of the ODIHR and the Venice Commission without further delay; looks forward to the ODIHR I-EOM final report, but regrets that outstanding recommendations from previous elections remain largely unaddressed; urges Serbia to implement the recommendations set out in the joint opinion of the Venice Commission and the ODIHR of 15 December 2022 on the constitutional and legal framework governing the functioning of democratic institutions in Serbia; calls on Serbia, against this background, to undertake broad-scope measures to prevent the misuse of office and state resources, including a detailed regulation of such practices, as well as clear mechanisms of compliance, enforcement and sanctions;
4. Is seriously concerned about reports of large-scale organised voter migration, whereby thousands of ‘phantom voters’ from Serbia or neighbouring countries such as Bosnia and Herzegovina (notably from the Republika Srpska entity), registered at fictitious addresses in other Serbian municipalities to influence the results of the local elections; notes that such practices are illegal and calls on the judicial authorities to investigate these allegations; calls for the Unified Voter Registry to be swiftly reviewed and for a minimum residence requirement to be introduced in order to vote in local elections with a view to preventing these abuses in the future;
5. Condemns the lack of results in prosecuting and sanctioning criminal offences in the elections, including serious allegations of forging citizens’ signatures for the purpose of candidacy, unlawful manipulation of the voter registry and voting rights, pressure and intimidation against citizens and election candidates, the cases of corruption, clientelism and illegitimate and unlawful abuse of citizen data that burdened the election campaign, abuses of state office and resources, which were particularly pronounced during these elections, and a lack of effective mechanisms in place to prevent the incumbency from gaining an unfair institutional advantage in the elections;
6. Is alarmed by practices that tilted the playing field in favour of the incumbency, including the Serbian President’s overwhelming public exposure before and during the campaign, and the overall erosion of the line between the institution of the President, the state and the political party in power, which directly breaches international standards and paragraph 5.4 of the 1990 Copenhagen Document;
7. Urges the Serbian authorities to immediately undertake the necessary measures in line with the Venice Commission opinion of December 2022 to end illegal behaviours such as voter intimidation and vote buying, and to address systemic deficiencies related to the layout of polling stations leading to overcrowding, numerous breaches of the secrecy of the vote, group voting and family voting; stresses that the effectiveness of media-monitoring bodies such as the Regulatory Authority for Electronic Media (REM) and those in charge of the control of political financing, including the Agency for Prevention of Corruption, should be ensured not only in law, but also in practice; calls for an independent audit of the Unified Voter Registry with a view to addressing inaccuracies in the voter lists;

8. Calls on the Serbian authorities to ensure that there are enough democratic guarantees in place to hold the next regular local elections in 2024, as well as future elections; highlights that it is unacceptable that Serbia, as a candidate country for EU membership, does not comply with basic European and international democratic standards;
9. Calls on the Commission to task a group of independent experts with preparing a comprehensive report to assess and address the systemic rule of law issues in Serbia, following the example of the ‘Priebe reports’ on the rule of law in North Macedonia and Bosnia and Herzegovina;
10. Calls for the EU to facilitate an internal and meaningful dialogue in Serbia between the government and the opposition in order to overcome the current climate of deep political polarisation; considers Parliament, against this background, to be the most suitable institution to act as a constructive and objective mediator;
11. Stresses that no further steps should be made in the EU accession negotiations with Serbia until there is a substantial improvement in the implementation of key recommendations from the ODIHR and the Venice Commission, as well as a thorough judicial investigation into the reported irregularities during the elections; calls on the Commission and the Council to apply strict conditionality and immediately freeze the funding provided to the Serbian Government under the Instrument for Pre-Accession Assistance (IPA III) and other financial instruments if the Serbian authorities are unwilling to implement key election recommendations;
12. Underlines the importance of respecting and upholding the right to freedom of assembly; condemns, in this context, the disproportionate use of police violence against peaceful demonstrators protesting against electoral fraud; is concerned about allegations that agent provocateurs infiltrated the protests to trigger the intervention of the police; stresses its unwavering support for the citizens of Serbia in their fight for a European and democratic future;
13. Commends the work of the domestic observers from the Center for Research, Transparency and Accountability (CRTA) and the Centre for Free Elections and Democracy (CeSID); condemns the attacks against CRTA observers on the election day while they were monitoring potential electoral fraud in a polling station in Odžaci; urges the Serbian authorities to take all necessary steps to establish conditions that allow national and international election observers to effectively carry out 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, as set out by the UN Declaration on Human Rights Defenders (Commission on Human Rights, resolution 2000/61);
14. Is concerned about the ‘passivisation’ of the residential addresses of certain categories of citizens, including in Belgrade and southern Serbia, which deprives them of the right to vote; calls on the responsible authorities to remedy these serious violations of electoral rights without further delay;
15. Condemns the attacks, smear campaigns and harassment against journalists, human rights defenders and civil society activists, in some instances by government officials, particularly prior to the elections;

16. Regrets that the campaign period was highly polarised and marked by inflammatory rhetoric, verbal attacks, hate speech and personal discreditation of the opponents;
17. Deplores the worryingly low quality of the media landscape in Serbia and the massive amount of disinformation; notes, with concern, that a large number of media outlets are influenced or controlled by the government, which resulted in an uneven playing field for opposition candidates during the campaign; regrets the attacks instigated by pro-government media outlets against critical journalists;
18. Is concerned that despite new laws on electronic media and on public information and media, the conditions and pluralism in the media have deteriorated; is particularly concerned that the Regulatory Authority for Electronic Media (REM) deliberately neglected its obligations under the new media legislation and took an utterly passive approach during the campaign period, even ignoring numerous reports of the media violating the law during the elections;
19. Regrets the fact that women remain under-represented in the most senior elected positions and that women only headed 2 out of 18 lists; regrets that issues related to gender equality were barely addressed during the campaign; stresses that further efforts are needed to promote women's participation in political life;
20. Instructs its President to forward this resolution to the President of the European Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the ODIHR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the President, Government and National Assembly of Serbia.