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*Plenary sitting*

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**B9-0108/2024**

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))

**Pedro Marques, Andreas Schieder, Tonino Picula, Thijs Reuten**  
on behalf of the S&D Group

**B9-0108/2024**

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

*The European Parliament,*

- having regard to its previous resolutions on Serbia, in particular that of 10 May 2023 on the 2022 Commission Report on Serbia<sup>1</sup>,
  - having regard to the EU’s previous statements on Serbia, in particular the joint statement by High Representative of the Union for Foreign Affairs and Security Policy Josep Borrell and Commissioner for Neighbourhood and Enlargement Olivér Várhelyi of 19 December 2023 on the parliamentary elections,
  - having regard to Serbia’s application for EU membership, submitted on 19 December 2009,
  - having regard to the Commission opinion of 12 October 2011 on Serbia’s application for membership of the European Union (COM(2011)0668), the European Council’s decision of 1 March 2012 to grant Serbia candidate status and the European Council’s decision of 27-28 June 2013 to open EU accession negotiations with Serbia,
  - having regard to the statement of preliminary findings and conclusions of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) international election observation mission of 18 December 2023 on the early parliamentary elections of 17 December 2023 in Serbia,
  - having regard to the joint opinion of the Venice Commission and the ODIHR of 20 December 2022 on the constitutional and legal framework governing the functioning of democratic institutions in Serbia –Electoral law and electoral administration,
  - having regard to the election observation report of the Ad hoc Committee of the Bureau of the Parliamentary Assembly of the Council of Europe of 17 January 2024 entitled ‘Observation of the early parliamentary elections in Serbia (17 December 2023)’,
  - having regard to the outcomes of its co-facilitated parliamentary dialogue process in Serbia,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas on 1 November 2023, the President of Serbia misused demands by the opposition for early elections to dissolve the parliament; whereas he scheduled early parliamentary elections for 17 December 2023;
- B. whereas since 2012, all parliamentary elections in Serbia but one have been early elections; whereas the December elections were the third parliamentary elections in less

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<sup>1</sup> OJ C, C/2023/1065, 15.12.2023, ELI: <http://data.europa.eu/eli/C/2023/1065/oj>.

than four years;

- C. whereas following the sudden and simultaneous resignation of 65 mayors from the ruling party, including the Mayor of Belgrade, and the Assembly of the Autonomous region of Vojvodina's decision to dissolve itself, early local elections in a third of Serbia's municipalities and provincial elections were called for the same day, 17 December 2023; whereas the Serbian opposition saw the early local elections as a tool for the current government to use to consolidate power and as a misuse of the voting rights of local communities;
- D. whereas the elections unfolded amid heightened social polarisation and intense competition among contrasting political agendas; whereas they were marked by an unprecedented level of negative campaigning and fearmongering, as well as attacks against the opposition and journalists;
- E. whereas a number of concerns about respect for freedom of expression and intimidation and harassment of civil rights activists, LGBTI+ persons, other human rights defenders and journalists remained unaddressed in the lead up to the elections;
- F. whereas the overall subdued campaign was characterised by even more extreme polarisation, aggressive rhetoric, personal discreditation, verbal abuse and inflammatory language; whereas pressure on public sector employees, misuse of public resources and voter inducement schemes raised concerns about voters' abilities to make a choice free from undue pressure; whereas these practices, in addition to some challenges in accessing public venues for the opposition, tilted the playing field and blurred the line between the state and the governing party, at odds with international standards;
- G. whereas the campaign was dominated by incumbent President Aleksandar Vučić, who while not a candidate for these elections, assumed a central role in campaigning through heavy involvement in Serbian Progressive Party events, televised campaign appearances and billboards, which provided an undue advantage to his party; whereas numerous opposition representatives raised concerns that the list for the Serbian Progressive Party-led coalition ('Aleksandar Vučić – Serbia Must Not Stop') was named after Mr Vučić, which, along with the use of his name and image for the campaign, challenged the constitutional principle that the president should 'express the state unity of the Republic of Serbia';
- H. whereas the elections were, overall, conducted smoothly, but the day was marked by numerous procedural deficiencies, including the inconsistent application of safeguards during voting and counting, frequent instances of overcrowding, breaches in secrecy of the vote, numerous instances of group voting and isolated physical attacks;
- I. whereas the main allegations of irregularities during election day concern Belgrade in particular, where 'phantom voters' from other Serbian municipalities that were not holding elections that day, as well as from neighbouring countries, most notably Bosnia and Herzegovina (BiH), were being registered by the authorities at apartments where they did not live; whereas there were multiple allegations of voters living abroad being organised and bussed to Serbia by the ruling party to cast their ballots for local elections in Belgrade; whereas even government officials and politicians from BiH openly voted in Belgrade local elections; whereas the Serbian Government has defended this practice

as legitimate;

- J. whereas other substantive allegations of irregularities include vote buying, media bias, pressure on public sector employees, misuse of public resources, intimidation and ballot-stuffing;
  - K. whereas the international election observation mission concluded that, although Serbia's early parliamentary elections offered voters a choice between political alternatives and the freedoms of expression and assembly were generally respected, the elections were marred by isolated instances of violence, procedural irregularities and frequent allegations of voters being organised and bussed to Serbia to support the ruling party in local elections;
  - L. whereas the Serbian authorities have so far refused to investigate these claims of irregularities and have instead tried to discredit and intimidate the election observers who published accounts of the irregularities;
  - M. whereas the opposition challenged the results of the elections, especially the local elections in Belgrade, leading to large demonstrations initiated by the Serbia Against Violence coalition and the non-partisan association ProGlas; whereas one of the leaders of Serbia Against Violence, Marinika Tepić, conducted a 13-day hunger strike, which was later joined by other opposition members;
  - N. whereas a protest on 24 December 2023 turned violent when protesters stormed the Belgrade City Assembly, after which police arrested 38 people, including students, who were prosecuted for challenging the constitutional order; whereas several peaceful demonstrators claimed that masked hooligans had infiltrated the demonstrations; whereas the peaceful demonstrators also denounced the police's disproportionate use of violence; whereas Prime Minister Ana Brnabić publicly thanked the Russian security services for the information they had provided on the protests;
  - O. whereas in this highly polarised political climate, independent journalists do not receive sufficient access to information and are often attacked by members of the ruling party; whereas the dissemination of Russian disinformation and narratives are a profound and persistent problem in Serbia, in particular during election campaigns;
1. Deplores the fact that the Serbian parliamentary and local elections held on 17 December 2023 deviated from international standards and Serbia's commitments to free and fair elections, owing to the incumbents' persistent and systematic abuse of institutions in order to gain an unfair and undue advantage;
  2. Notes with serious concern the extensive evidence of irregularities collected by the international and domestic observers showing illegal activities leading up to and during election day, which altered the outcome of the elections; notes that this critically impacted the results of the Belgrade city elections, in particular, and seriously undermined the legitimacy of the parliamentary elections;
  3. Deplores the lack of institutional response to the serious allegations of the incumbents' involvement in electoral manipulation and abuse, which contributes to an atmosphere of impunity and ensures the continuation of these criminal practices; stresses that, if

allowed to persist without any repercussions, this practice will continue to undermine trust in Serbia's electoral process and institutions, irrevocably hindering democratic rule and further European integration;

4. Condemns the lack of prosecutions and sanctions related to criminal offences during the elections, including serious allegations of unlawful manipulation of the voter registry and voting rights, pressure and intimidation against citizens and election candidates, cases of corruption, the forging of citizens' signatures, clientelism, the illegitimate and unlawful abuse of citizen data, abuses of state office and a lack of effective mechanisms to prevent incumbents from gaining an unfair institutional advantage in elections;
5. Urges the Serbian authorities to investigate, prosecute and bring to justice those responsible for criminal offences during the elections;
6. Condemns the attacks by government officials, notably Prime Minister Brnabić and President Vučić, on election observers, including Members of the European Parliament; is deeply concerned by the attempts to discredit and intimidate the observers; urges the Serbian authorities to take all necessary steps to avoid any further disinformation campaigns against election observers and to establish conditions that allow national and international election observers to effectively do their work, as well as to protect them from any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of their rights and freedoms;
7. Stresses the need for an independent international investigation into election irregularities, supported by the EU; urges the Commission to launch an initiative to send an expert mission to Serbia, possibly including experts from the ODIHR, the Venice Commission and the Council of Europe, to assess the situation as regards the recent elections and post-election developments in an effort to facilitate the preconditions for establishing a necessary societal dialogue to attempt to restore the public's trust and confidence in institutions; urges the Commission to report to the European Parliament on its findings;
8. Urges the Serbian authorities to restore the electorate's confidence to the entire process, lay out fully transparent election procedures and ensure accountability on the part of authorities, whether they are conducting elections or interfering with them;
9. Calls on Serbian authorities to fully and substantially cooperate with the ODIHR, the EU and the Council of Europe and to facilitate an inclusive process to shore up election-related rights and freedoms, institutions and processes, with the participation of domestic election observers and political parties;
10. Encourages the Serbian authorities to show strong and genuine political will to address key problematic aspects of the electoral process and to properly implement existing legislation and the recommendations issued by the Venice Commission and the ODIHR in their December 2022 joint opinion on further improving the legal framework governing elections, in particular by conducting, in consultation with expert civil society organisations and well ahead of the next elections, full audits of the unified voter register, competing candidates' access to the media, the enhanced transparency and accountability of campaign finance, measures to tackle pressure on voters and the

misuse of administrative resources in order to prevent new irregularities and fraud and to guarantee the democratic functioning of the country;

11. Calls on the Serbian authorities to make meaningful and credible changes to the country's election laws to prevent the organised bussing of voters from abroad;
12. Condemns the absence of media pluralism during the election campaign and the widespread unethical and biased media reporting in favour of the incumbents; condemns the President of Serbia's overwhelming public exposure before and during the campaign, as it erased the lines between the institution of the president, the state and the political party in power;
13. Strongly regrets that the Regulatory Authority for Electronic Media neglected its obligations under the law to scrutinise the campaign in the media, report on its findings and sanction media outlets that breached the law, spread hate speech or violated journalistic standards;
14. Encourages the Serbian authorities to ensure that the country's independent and supervisory institutions, especially the Regulatory Authority for Electronic Media and the Agency for the Prevention of Corruption, play a proactive role in creating the conditions for fair elections;
15. Notes that all Serbian Parliaments in the past 12 years but one were dissolved early and that the continuation of unnecessary snap elections undermines political stability; underlines that constant early elections, permanent campaign mode and long delays in forming governments do not contribute to efficient democratic governance of the country, but instead weaken the parliament and lead to a lack of parliamentary legislative oversight and legitimacy;
16. Is concerned about assessments that some participants in the protest on 24 December 2023 received disproportionately harsh treatment by the police and the judiciary; condemns the excessive use of police force during the protests; urges the EU Delegation to Serbia to continue to monitor the ongoing legal cases related to the protests;
17. Strongly condemns the Serbian authorities' unsubstantiated claims that EU Member States were involved in organising post-election protests; regrets that the protests have been used as an excuse to spread anti-EU narratives in media outlets close to the ruling party; notes that, following the elections, the President of Serbia announced that he would publish a letter on 'brutal interference in the elections by an important country' by the end of 2023, which never happened;
18. Calls on the Commission to avoid any further policy of appeasement towards Serbia; expresses concern about the Commission's lack of vocal criticism towards Serbia, despite the numerous allegations of voter fraud, and calls on the Commission to address the shortcomings that led to the allegations as part of the accession process;
19. Calls, in this context, on the Commission to freeze all funding to Serbia under the Instrument for Pre-Accession Assistance III if the Serbian authorities are unwilling to initiate an independent international investigation into election irregularities or if the

findings of this investigation indicate that the Serbian authorities were directly involved in the alleged voter fraud;

20. Reiterates its position that accession negotiations with Serbia should advance only if the country aligns with EU sanctions against Russia, makes significant progress on its EU-related reforms and fully implements the recommendations of the ODIHR and the Venice Commission;
21. Urges the Serbian authorities to counter foreign interference and disinformation campaigns, to strongly improve the protection of independent journalism and to ensure a transparent media landscape;
22. 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 and the President, Government and National Assembly of Serbia.