



TEXTS ADOPTED

P9_TA(2024)0075

Situation in Serbia following elections

European Parliament resolution of 8 February 2024 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 Serbia¹,
- 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 the statement of preliminary findings and conclusions of the international election observation mission (I-EOM) to the early parliamentary elections in Serbia of 17 December 2023,
- having regard to the joint opinion of the Organization for Security and Co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR) and the Venice Commission of 19 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 speech on the elections in Serbia of 17 January 2024 delivered by the Commissioner for Justice, Didier Reynders, on behalf of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Josep Borrell, in the Parliament plenary,
- having regard to the open letter on the post-election situation in Serbia signed by the chairs of the Committees on Foreign Affairs of several EU countries,

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

- having regard to its co-facilitated parliamentary dialogue process in Serbia,
 - having regard to Serbia’s 2006 Constitution and its 2022 Law on Election of Members of Parliament,
 - having regard to the European Court of Auditors special report 01/2022 of 10 January 2022 entitled ‘EU support for the rule of law in the Western Balkans: despite efforts, fundamental problems persist’,
 - having regard to Rules 132(2) and (4) 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 on 1 November 2023, the President of Serbia cited 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 these were the third parliamentary elections in less 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, despite stable majorities, early local elections in a third of Serbia’s municipalities and provincial elections in Vojvodina were called for the same day, 17 December 2023; whereas it is not good, long-standing practice to hold partial local and parliamentary elections on the same day; whereas numerous observers see the early partial local elections as a tool for the consolidation of power by the current government and 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 political opponents and journalists;
 - E. whereas prior to the election day, Serbia had failed to implement key recommendations of the OSCE/ODIHR and the Venice Commission, including those on ensuring a level playing field, measures to prevent the misuse of public office and state resources, separation between official duties and campaign activities, and effective mechanisms to prevent intimidation and pressure on voters, including vote buying;
 - F. whereas the overall 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; whereas Russian-sponsored outlets Sputnik Serbia and Russia Today Balkan actively contributed to spreading disinformation, essentially about opposition candidates;

- G. 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); whereas the SNS-led list was named after Mr Vučić;
- H. whereas the campaign and electronic media oversight bodies remained largely ineffective in deterring violations during the election period;
- I. whereas an I-EOM was conducted by the OSCE/ODIHR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament in order to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation;
- J. whereas voter lists were updated through the unified voter register and the final number of voters stood at 6 500 666; whereas it was alleged that numerous deceased persons remained on the register;
- K. whereas voter turnout was 58,58 %, slightly higher than for the previous elections, held in 2022;
- L. whereas despite the fact that 43 % of the 2 817 parliamentary candidates were women and that efforts to promote women's participation have been made, women remain generally under-represented in elected and appointed offices;
- M. 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;
- N. whereas according to the Serbian Republic Election Commission (REC) the SNS won 46,75 % of the votes, while the largest opposition coalition, 'Serbia against Violence' won 23,66 %, the Socialist Party of Serbia won 6,55 %, the NADA coalition won 5,02 %, 'We – the Voice of the People' won 4,69 % and five minority lists won a combined total of 3,68 %;
- O. whereas the statement of preliminary findings and conclusions of the I-EOM highlighted that 'the 17 December early parliamentary elections, though technically 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'; whereas the OSCE/ODIHR final report is expected to be published in the coming weeks;
- P. 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, 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;
- Q. whereas Serbian civil society organisation CRTA carried out an in-depth analysis, based on limited data and resources, and made the very conservative estimate that inaccuracies

in the voter register account for at least 30 000 voters; whereas they have firm evidence that this inaccuracy was part of a strategy of illegal and illegitimate electoral engineering to influence the election results and distort the will of the voters; whereas people were being transported from all over Serbia and abroad (Bosnia and Herzegovina and Montenegro) to vote in municipal elections in Belgrade; whereas even government officials and politicians from BiH openly voted in the Belgrade municipal elections; whereas the Serbian Government has defended this practice as legitimate;

- R. whereas other substantive allegations of irregularities include vote buying, media bias, pressure on public sector employees and socially vulnerable groups, misuse of public resources, intimidation and ballot-stuffing;
- S. whereas the Serbian authorities deny any irregularities; whereas both the Serbian President and Kremlin-controlled media have alleged that other countries have interfered in the electoral process in Serbia in brutal ways, but have not provided substantiated evidence for these claims; whereas Prime Minister Brnabić publicly thanked the Russian intelligence services for providing information on the planned activities of the opposition; whereas the dissemination of Russian disinformation and narratives are a profound and persistent problem in Serbia, in particular during election campaigns; whereas the Kremlin has condemned the public protests against Serbia's defrauded general elections as Western attempts to overthrow the government and orchestrate another 'Maidan coup';
- T. whereas independent Serbian organisations denouncing the irregularities during the recent elections have been subjected to continuous attacks from government officials; whereas despite the fact that they brought to light a lot of concrete evidence pointing to election fraud, 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; whereas since the elections, leading Serbian politicians, including the President, have unjustly vilified Members of the European Parliament and other members of the I-EOM;
- U. whereas the results of the elections, especially the municipal elections in Belgrade, were challenged by the opposition, leading to large peaceful demonstrations initiated by the opposition coalition 'Serbia against Violence' and the non-partisan association ProGlas to demand the annulment of the elections and the holding of a new ballot; whereas the REC has rejected the opposition's complaints; whereas the opposition has called for the annulment of the election results before the Constitutional Court due to allegations of widespread fraud;
- V. whereas a protest on 24 December 2023 turned violent when some of the protesters stormed the Belgrade City Assembly, after which police arrested 38 people, including students, who were prosecuted for challenging the constitutional order and of whom some still remain under house arrest; whereas several peaceful demonstrators claimed that masked hooligans had infiltrated the demonstrations; whereas the peaceful demonstrators also denounced the police's disproportionate use of force;
- W. whereas over the past decade since President Vučić came to power, there has been a continuous erosion of media freedom in Serbia, characterised by political pressure, threats and even physical attacks against journalists; whereas Reporters Without

Borders has placed Serbia among the lowest in Europe in its World Press Freedom Index, with the country dropping 12 places to 91 in 2023;

- X. whereas the rule of law and the proper functioning of Serbia's democratic institutions remain a core challenge for Serbia's EU accession process;
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 and media in order to gain an unfair and undue advantage; considers that these elections cannot be deemed to have been held in fair conditions; is alarmed by reports of the widespread and systematic scale of fraud that compromised the integrity of the elections in Serbia;
 2. Notes that the I-EOM stated that the election was conducted smoothly, but that the day was marked by numerous procedural deficiencies, including the inconsistent application of safeguards during voting and counting, frequent instances of overcrowding, breaches of voting secrecy, and numerous instances of group voting; expresses its serious concern over those irregularities and the overall election environment, which fell below the standards expected of an EU candidate country; reminds the Serbian authorities that the proper functioning of Serbia's democratic institutions is at the core of Serbia's EU accession process and the EU accession methodology;
 3. Notes with serious concern the extensive evidence collected by the international and domestic observers showing activities leading up to and during election day that may have altered the outcome of the elections and may have critically impacted the results of the Belgrade municipal elections, in particular, and seriously undermined the legitimacy of the parliamentary elections;
 4. Calls for an independent international investigation by respected international legal experts and institutions into the irregularities of the parliamentary, provincial and municipal elections, with special attention to the elections to the Belgrade City Assembly, as certain allegations, including those regarding organised voter migration at local level, go beyond the scope covered by the OSCE/ODIHR reports; supports the prompt deployment of an ad hoc fact-finding mission to Serbia, with the participation of Parliament;
 5. Urges the Commission to launch an initiative to send an expert mission to Serbia 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, and to assess and address the systemic rule of law issues in Serbia, looking at the example of the 'Priebe Reports';
 6. 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 practices; Notes, with concern, that some of the election irregularities leading up to the December 2023 elections constitute potential breaches of Serbian law and its Constitution; 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; stresses the importance of thoroughly investigating all election-related complaints, including the recent request to annul the Belgrade City Assembly elections of 17 December 2023, which was filed with the Constitutional Court by an official of the ‘Serbia against Violence’ coalition;

7. Deplores the lack of prosecutions and sanctions related to offences during the elections, including serious allegations of unlawful manipulation of the voter register 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;
8. Urges the Serbian authorities to investigate, prosecute and bring to justice those responsible for any criminal offences during the elections, and any attacks on students;
9. Condemns the orchestrated attacks by Serbian officials on election observers, including Members of the European Parliament and calls for a return to respectful and constructive discourse, emphasising the importance of mutual respect in the democratic process; 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; 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);
10. 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;
11. Urges the Republic of Serbia to address concerns about the participation of national minorities in the electoral process, ensuring the consistent application of criteria for minority status and addressing vulnerabilities to pressure and vote buying;
12. Calls on the Serbian authorities to provide institutional solutions to overcome the current problems; calls for the Serbian Parliament and Government to make every effort to function effectively, free from the constant cycle of campaigns and frequent snap elections;
13. Urges the Serbian authorities to restore the electorate’s confidence in 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; 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; welcomes any genuine steps in this direction;

14. Notes, with concern, that Serbia has not implemented many long-standing OSCE/ODIHR recommendations on major issues in the electoral process, despite being repeatedly urged to do so, including by the Commission; takes note of the recent amendments that selectively addressed some of the previous OSCE/ODIHR and Venice Commission recommendations, notably those referring to the legal framework for election campaign finance;
15. Looks forward to the final report of the OSCE/ODIHR I-EOM; urges Serbia to implement the recommendations set out in the joint opinion of the Venice Commission and the OSCE/ODIHR of 19 December 2022 on the constitutional and legal framework governing the functioning of democratic institutions in Serbia, in consultation with expert civil society organisations and well ahead of the next elections, in order to prevent new irregularities and fraud while guaranteeing the democratic functioning of the country, in particular those regarding the 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;
16. Calls on Serbia to implement the OSCE/ODIHR recommendation to conduct a comprehensive audit of the unified voter register to address concerns about accuracy, including allegations of voter migration and entries of deceased persons; is concerned about over allegations that the unified voter register has already recorded significant increases of voters in cities where local elections will take place later in 2024;
17. Urges the REC to take the necessary steps to address concerns about the transparency and efficiency of its functioning, including the timely publication of monitoring results during the campaign period;
18. Condemns the absence of media pluralism during the election campaign, as well as disinformation and the widespread unethical and biased media reporting in favour of the incumbents; 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; condemns the attacks instigated by media outlets close to the government against critical journalists; deplores 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;
19. Is concerned that despite new laws on electronic media and on public information and media, the conditions and pluralism in the media have deteriorated; strongly regrets that the Regulatory Authority for Electronic Media (REM) 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; notes, with concern, that the REM has only published monitoring results for the public broadcaster and private cable channels, but not for private national channels close to the ruling party;
20. Expresses its concerns about cases of abusive attacks and language combined with harassment against journalists, human rights activists and civil society organisations, in some instances coming from government officials, particularly prior to the elections; 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; underlines that the EU institutions must do more to

ensure that the rights and freedoms of Serbian journalists and media are protected; points out that access to pre-accession funding should be used as a tool to stop the media freedom situation from deteriorating further;

21. Calls for a reform of the effectiveness of the campaign oversight mechanisms, including of the Agency for the Prevention of Corruption and the ad hoc Committee for Campaign Oversight, to ensure timely and transparent handling of complaints related to the misuse of public resources;
22. Highlights that Serbia, as a candidate country for EU membership, lacks sufficiently implemented basic EU and international democratic standards; 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;
23. 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;
24. Underlines the importance of freedom of speech and acknowledges that everyone has the right to express their views and participate in peaceful protests; 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; is concerned about assessments that some participants in the protest on 24 December 2023 received disproportionately harsh treatment by the police and the judiciary, in stark contrast to the practices of the Serbian police in previous protests in the country; urges the EU and Member States' diplomatic missions to continue monitoring the ongoing legal cases related to the protests;
25. 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 the media close to the ruling party;
26. Regrets the lack of vocal criticism by the Commission, notably by the Commissioner for Enlargement, regarding the numerous allegations of voter fraud in the Serbian elections, and calls on the Commission to address the shortcomings that have led to these allegations without delay;
27. Reiterates its position that accession negotiations with Serbia should advance only if the country makes significant progress on its EU-related reforms, including full implementation of the recommendations of the OSCE/ODIHR and Venice Commission; calls on the Commission and the Council to apply strict conditionality; calls on the Commission to follow up thoroughly on the reports of the European Court of Auditors and to immediately start the audit of the funding provided to the Serbian Government under the Instrument for Pre-Accession Assistance III (IPA III) and other financial instruments; underlines that if the Serbian authorities are unwilling to implement key election recommendations or if the findings of this investigation indicate that the

Serbian authorities were directly involved in the voter fraud, calls for the suspension of EU funding on the basis of severe breaches of the rule of law in connection with Serbia's elections;

28. Undertakes to closely monitor post-electoral developments in Serbia and commits to supporting reforms that strengthen democracy and help Serbia to advance on the path towards EU accession; stresses that it has always endeavoured to support political pluralism and the reinforcement of an inclusive election environment in Serbia through all its activities, in particular through the inter-party dialogue and the parliamentary dialogue process; underlines the importance of continuing the inter-party dialogue and the parliamentary dialogue process; calls for the EU to co-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 facilitator;
29. 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 President, Government and National Assembly of Serbia, the OSCE Office for Democratic Institutions and Human Rights, the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe.