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FREEDOM IN THE WORLD

Serbia

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OVERVIEW:

In the May 2012 general elections, former ultranationalist Tomislav Nikolić upset Boris Tadić to win the presidency, and his Serbian Progressive Party subsequently formed a government with the Socialist Party of Serbia. In March, Serbia won European Union candidacy on progress in negotiations with Kosovo over customs and other technical issues. Those negotiations, which had stalled after the election, resumed in October, though the deadlock between Belgrade and Pristina over Kosovo's sovereignty remained unresolved at year's end.

Serbia, which was recognized as an independent state in 1878 following several centuries of Ottoman rule, anchored the Kingdom of Serbs, Croats, and Slovenes proclaimed in 1918. After World War II, Serbia became a constituent republic of the Socialist Federal Republic of Yugoslavia, under the rule of Josip Broz Tito. Within the boundaries of the Serbian republic as drawn then were two autonomous provinces: the majority-Albanian Kosovo in the south, and Vojvodina, with a significant Hungarian minority, in the north.

Following the disintegration of socialist Yugoslavia in the early 1990s, the republics of Serbia and Montenegro in 1992 formed the Federal Republic of Yugoslavia (FRY). Slobodan Milošević and his Socialist Party of Serbia (SPS, the former League of Communists of Serbia) ruled Serbia throughout the 1990s by controlling its security forces, financial institutions, and state-owned media. An avowed Serb nationalist, Milošević oversaw extensive Serbian involvement in the 1991-95 wars that accompanied the old federation's breakup, supporting local Serb forces both in Bosnia and Herzegovina and in Croatia.

In 1998-99, an ethnic Albanian insurgency in Kosovo provoked increasingly violent reprisals by state forces against the guerrillas and Kosovo's civilian population. In March 1999, NATO launched a 78-day bombing campaign to force the withdrawal of FRY and Serbian forces from Kosovo. A NATO-led force then occupied Kosovo, and the United Nations oversaw institution-building efforts there.

Milošević was ousted in October 2000, after his attempt to steal the September Yugoslav presidential election from opposition candidate Vojislav Koštunica of the Democratic Party of Serbia (DSS) triggered massive protests. An anti-Milošević coalition took power following Serbian parliamentary elections in December, and Zoran Đinđić of the Democratic Party (DS) became Serbia's prime minister. The FRY was replaced in February 2003 with a looser State Union of Serbia and Montenegro, and each republic was granted the option of holding an independence referendum after three years.

Đinđić was assassinated by organized crime groups allied with Milošević-era security structures in March 2003. After December parliamentary elections, Koštunica became Serbia's prime minister. The new DS leader, Boris Tadić, won the presidency in June 2004.

2013 SCORES

STATUS

Free

FREEDOM RATING

2.0

CIVIL LIBERTIES

2

POLITICAL RIGHTS

2

After a successful independence referendum in May 2006, Montenegro declared independence in June, necessitating new Serbian elections. In the January 2007 vote, the main anti-Milošević parties—including the DS, the DSS, and the liberal G17 Plus—collectively outpolled the ultranationalist Serbian Radical Party (SRS) and the SPS. In May, Koštunica formed another coalition government. President Tadić won a second term in February 2008.

Later that month, Kosovo unilaterally declared independence from Serbia. Debate over the proper response increased tensions in the Koštunica government, which ultimately resigned in March. The DS and its pro-European Union (EU) allies won elections in May and formed a coalition government with an SPS-led bloc and smaller parties representing ethnic minorities.

The new government, led by Mirko Cvetković, was the first since 2000 to include the SPS, which had sought to reinvent itself as a mainstream center-left party. The outcome also marked the first time since 2000 that a single party, the DS, controlled the presidency, the premiership, and a working parliamentary majority. In September 2008, hard-liners in the SRS were further isolated when the party's moderate wing broke off to form the Serbian Progressive Party (SNS).

In 2009, the parliament passed a statute that defined and expanded Vojvodina's autonomy. Also in 2009, Serbia secured visa-free travel to most EU countries for Serbian citizens. The European Commission (EC) praised Serbia for its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) following the July 2008 arrest in Serbia of former Bosnian Serb leader Radovan Karadžić; he had been indicted on genocide and war crimes charges and was extradited to the ICTY that month. Serbia submitted its EU membership application in December 2009. In July 2010, the International Court of Justice decided against Serbia in ruling that Kosovo's declaration of independence had not violated international law.

In May 2011, Serbian authorities arrested and extradited former Bosnian Serb military commander Ratko Mladić, a longtime fugitive wanted by the ICTY on war crimes charges. Croatian Serb wartime leader Goran Hadžić, the last of 161 suspected war criminals indicted by the ICTY still at large, was arrested and extradited from Serbia in July. The arrests marked a step forward in Serbia's EU candidacy bid.

While EU-brokered negotiations yielded some progress on trade and travel issues between Serbia and Kosovo during 2011, Belgrade maintained its opposition to Kosovo's sovereignty. In August, Germany warned that Serbia must abolish its parallel governing structures in the Serb-populated northern portion of Kosovo before it could join the EU. Though Serbia had been expected to receive EU candidacy that December, Berlin blocked the milestone until March 2012, when the country was officially invited to join the 27-member bloc on progress in the Kosovo negotiations, including a complex deal whereby Belgrade agreed to participate in regional meetings with Pristina. Previously, Serbian leaders had boycotted or walked out of such meetings attended by Kosovo officials.

On May 6, 2012, the SNS, led by former ultranationalist Tomislav Nikolić, and its allies won parliamentary elections with 73 seats. The DS-led bloc took 67 seats, followed by the SPS with a surprisingly strong 44. On May 20, Nikolić upset Tadić in a presidential runoff with 51.2 percent of the vote. His SNS formed a coalition with the SPS in July, with Ivica Dačić, SPS president and one-time Milošević spokesman, as prime minister. The DS went into opposition, and Tadić effectively assumed blame for its electoral loss by giving up party leadership in November. The negotiations with Kosovo, stalled since the elections, resumed on October 19 with meetings in Brussels between Dačić and Kosovo Prime Minister Hashim Thaçi, the first high-level encounter between the nations since 2008. However, key issues, including northern Kosovo, remained unresolved in 2012.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Serbia is an electoral democracy. The president, elected to up to two five-year terms, plays a largely ceremonial role. The National Assembly is a unicameral, 250-seat legislature, with deputies elected to four-year terms according to party

lists. The prime minister is elected by the assembly. International monitors deemed the 2008 and 2012 elections largely free and fair.

In addition to the main political parties, numerous smaller parties compete for influence, including factions representing ethnic minorities. In April 2011, the Constitutional Court clarified and extended its 2010 decision to prohibit a practice whereby politicians elected on a party ticket had to deposit a letter of resignation with the party before taking office. This had allowed party leaders to replace elected officials who proved disloyal. The court declared the system unconstitutional and invalidated any postelection reallocation of parliamentary seats.

Corruption remains a serious concern. In 2012, a new Anticorruption Agency continued to monitor conflicts of interest and political party funding, among other areas, and organized an extensive election-monitoring network. However, graft and misconduct remain widespread, especially in public procurement and privatization. The government has yet to establish a track record of investigating and prosecuting corruption, especially in high-profile cases, and political will is generally lacking. A 2012-16 anticorruption strategy is still pending, according to a 2012 progress report by the EC. Serbia was ranked 80 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The press is generally free, although most media outlets are thought to be aligned with specific political parties. In May 2011, public broadcaster RTS apologized for its role in supporting authoritarian governments during the 1990s, but advocacy groups noted that RTS remains subject to strong government influence. Media advertising dollars are controlled by a few economic and political actors, creating a backdrop for self-censorship. Press ownership is not fully transparent. In October, the government backtracked on plans to decriminalize defamation, saying it was not a condition for EU membership. That month, a Molotov cocktail was thrown at the home of the director of a tabloid newspaper, and a bomb was found at the house of the parents of B92 television reporter Tanja Janković. The EC urged the government to expedite implementation of its 2011 Media Strategy, though some journalists say the most recent draft includes continued state ownership of media outlets. Internet access is unrestricted.

The constitution guarantees freedom of religion, which is generally respected in practice. Religiously motivated incidents declined in 2012 but remain a concern. Critics say that the 2006 Law on Churches and Religious Communities privileges seven "traditional" religious communities by giving them tax-exempt status, while forcing other groups to go through cumbersome and inconsistent registration procedures. A Constitutional Court ruling on the law is still pending. Relations between factions within the Islamic community in the Sandžak region, and between one of the factions and the Serbian government, have been deteriorating in recent years. There were no reports of government restrictions on academic freedom in 2012.

Citizens enjoy freedoms of assembly and association, though a 2009 law banned meetings of fascist organizations and the use of neo-Nazi symbols. Authorities barred all public demonstrations on October 6, 2012, due to security concerns over a gay pride parade scheduled that day. The 2010 parade was attacked by several thousand counterdemonstrators, and Belgrade has banned the event two years running despite the objection of rights groups. Radical right-wing organizations and violent "sports fans" remain a serious concern, and the Constitutional Court banned a second such group in 2012. Foreign and domestic NGOs generally operate freely. Workers may join unions, engage in collective bargaining, and strike, but the International Confederation of Trade Unions has reported that organizing efforts and strikes are substantially restricted in practice.

In July 2012, the Constitutional Court abrogated a controversial reappointment procedure in effect during 2009 and 2010 that cost hundreds of judges and prosecutors their jobs, and the officials who had appealed their "nonreappointment" were reinstated. To reintegrate these judges and prosecutors, the government announced plans in October to roughly double the court network, to 65 courts in 2013. Officials said this would also improve citizens' access to justice following a 2010 judicial overhaul that merged the country's 138 municipal courts into 34 basic courts. In October, the EC said

judicial independence and accountability needed to be improved through transparent criteria for appointments and evaluations, improved training, and effective disciplinary rules. At the end of 2011, courts had a backlog of 3.34 million cases. Prisons generally meet international standards, though overcrowding is an issue, and health care facilities are often inadequate. Legislation passed in October granted early release to 3,600 prisoners to reduce chronic overcrowding.

Ethnic minorities are underrepresented in government. The country's main minority groups are the Bosniaks (Muslim Slavs), concentrated in the Sandžak region; an ethnic Albanian population in the Preševo Valley; and the Hungarian community in Vojvodina. Discrimination against ethnic and other minorities is widespread, and the EC has urged lawmakers to develop a strategy for inclusion of the LGBT (lesbian, gay, bisexual, and transgender) community. After nearly 1,000 Roma were removed from a settlement in New Belgrade in April 2012, Amnesty International called for a ban on forced evictions. However, it also praised a September law enabling the roughly 6,500 people in Serbia, mostly Roma, without a birth certificate to obtain documentation.

Women comprise 34 percent of the parliament. According to electoral regulations, women must account for at least 30 percent of a party's candidate list. Although women are legally entitled to equal pay for equal work, traditional attitudes often limit them economically. A 2009 law on gender equality provides a range of protections in employment, health, education, and politics. Domestic violence is a serious problem. Serbia is a source, transit, and destination country for the trafficking of men, women, and children for forced labor and prostitution.

EXPLANATORY NOTE:

The ratings through 2002 are for the Federal Republic of Yugoslavia, of which Serbia was a part, and those from 2003 through 2005 are for the State Union of Serbia and Montenegro. Kosovo is examined in a separate report.

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