

## FREEDOM IN THE WORLD

# Serbia

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### OVERVIEW:

**Serbia in 2011 arrested the last fugitive war crimes suspects from the conflicts of the 1990s, allowing the country to progress on its path to European Union candidacy. However, the deadlock between Belgrade and Pristina over Kosovo's sovereignty remained unresolved. Separately, in October, the government barred a gay pride parade on the grounds that related violence by extremist groups would jeopardize national security.**

Serbia was recognized as an independent state in 1878 after several centuries under Ottoman rule. It formed the core of 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 at that time were two autonomous provinces: the largely Albanian-populated Kosovo in the south, and Vojvodina, with a significant Hungarian minority, in the north.

Following the disintegration of socialist Yugoslavia in 1991, 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 the country's 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 the civilian population. In March 1999, NATO launched a 78-day bombing campaign to force the withdrawal of FRY and Serbian forces. A NATO-led force then occupied Kosovo, and the United Nations oversaw institution-building efforts there.

Milošević was forced from office 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 with a looser State Union of Serbia and Montenegro in 2003, 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, and after parliamentary elections in December, Koštunica became Serbia's prime minister at the head of a fragile coalition government. The new DS leader, Boris Tadić, won the Serbian

## 2012 SCORES

STATUS

**Free**

FREEDOM RATING

**2.0**

CIVIL LIBERTIES

**2**

POLITICAL RIGHTS

**2**

presidency in a June 2004 election.

Montenegro held a successful referendum on independence in May 2006, formally declaring independence the following month. This necessitated new Serbian elections, and in January 2007 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. Tadić won a second term as president in early February 2008, taking 51 percent of the vote.

Later that month, Kosovo unilaterally declared its independence from Serbia. Debate over the proper response increased tensions in the Koštunica government, which ultimately resigned in March, prompting new elections. The May balloting resulted in an undisputed victory for the DS and its smaller allies, which favored economic reform and European Union (EU) integration. The DS-led bloc won 102 of 250 seats and formed a coalition government with an SPS-led bloc (20 seats), the Hungarian Coalition (4 seats), and the Bosniak List for European Sandžak (2 seats). The SRS took 78 seats, followed by the DSS with 30; the smaller Liberal Democratic Party took 13 seats, and the Coalition of Albanians of the Preševo Valley won the remaining seat.

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 majority in the parliament. In another sign of political normalization, hard-liners in the SRS were further isolated when the moderate wing of the party broke off to form the Serbian Progressive Party (SNS) in September.

In 2009, the parliament passed legislation to improve conditions for nongovernmental organizations (NGOs) and a statute that defined and expanded Vojvodina's autonomy. The country also received praise for its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), and secured visa-free travel to EU countries for Serbian citizens. By year's end, Serbia had formally submitted its application for EU membership, and the government's regional reconciliation efforts continued in 2010. However, the country suffered a major diplomatic defeat in July of that year, when the International Court of Justice (ICJ) ruled that Kosovo's declaration of independence did not violate international law.

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

While EU-brokered negotiations yielded progress on trade and travel issues between Serbia and Kosovo during 2011, Belgrade maintained its opposition to Kosovo's sovereignty. In August, German chancellor Angela Merkel warned that Serbia must abolish its parallel governing structures in the Serb-populated northern portion of Kosovo before it could join the EU. The country's formal status as an EU candidate had yet to be confirmed at year's end. Meanwhile, the SRS asked Serbian prosecutors to initiate criminal proceedings against Tadić and Cvetković for negotiating terms with the Kosovo authorities that "endangered Serbia's territorial integrity", though no charges were brought by year's end.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

Serbia is an electoral democracy. The president, elected to a five-year term, 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. Both the presidential and parliamentary elections in 2008 were deemed largely free and fair by international monitoring groups.

In addition to the main political parties, numerous smaller parties compete for

influence. These include factions representing ethnic minorities, two of which belong to the current coalition government. In April 2011, the Constitutional Court clarified and extended its 2010 decision to prohibit a practice whereby politicians elected on a party ticket were obliged to deposit a letter of resignation with the party before taking office. This had allowed party leaders to eliminate and 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. A new Anti-Corruption Agency that began operating in January 2010 is tasked with conflict-of-interest monitoring, oversight of political party funding, and other preventive activities. A new law adopted in June 2011 requires political parties to report all financial contributions they receive, and stipulates that these contributions must be made through official bank transfers. Despite several high-profile arrests in 2011, a systematic legislative effort and the political will to tackle large-scale corruption in public tenders are still seen to be lacking. Serbia was ranked 86 out of 183 countries surveyed in Transparency International's 2011 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 formally apologized for its role in supporting authoritarian governments during the 1990s, but advocacy groups noted that RTS remains subject to strong government influence. A 2011 study by the Anti-Corruption Agency found that private media are influenced by state advertising purchases, and that many of Serbia's leading media outlets are owned by offshore companies with limited transparency. Libel is a criminal offense punishable by fines, but not imprisonment. The 2010 Law on Electronic Communications allows police and security services to view personal electronic communications, which press freedom groups have criticized as a threat to the confidentiality of journalists' sources. Journalists continue to encounter threats and physical violence, and perpetrators rarely face significant penalties. In October 2011, the car of Tihomir Trišić, editor of the weekly *Akter*, was set on fire. Police were still investigating the incident at year's end. There were no reports of the government restricting access to the internet during the year.

The constitution guarantees freedom of religion, which is generally respected in practice. However, increases in ethnic tension often take the form of religious intolerance. Critics charge that the 2006 Law on Churches and Religious Communities privileges seven "traditional" religious communities by giving them tax-exempt status and forcing other groups to go through cumbersome registration procedures. Application of many aspects of the law is considered to be arbitrary. 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 2011.

Citizens enjoy freedoms of assembly and association, though a 2009 law banned meetings of fascist organizations and the use of neo-Nazi symbols. A 2010 gay pride parade in Belgrade was attacked by several thousand counterdemonstrators, but police successfully protected the marchers. Extremist groups threatened violence ahead of the 2011 parade, and police said they were under-equipped for any clashes, with some reportedly considering a boycott. The government consequently banned the event, calling it a threat to national security. Foreign and domestic NGOs are generally free to operate without government interference, and the 2009 Law on Associations clarified their legal status. The laws and constitution allow workers to form or join unions, engage in collective bargaining, and strike, but the International Confederation of Trade Unions (ITUC) has reported that organizing efforts and strikes are substantially restricted in practice.

Serbia's judicial structure underwent major changes in 2010, including the merger of 138 municipal courts into 34 basic courts. The system suffers from a large backlog of cases, including some 7,000 at the Constitutional Court alone. Prisons are generally considered to meet international standards, but overcrowding remains a serious problem and a contributing factor behind inmate riots and protests.

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. There is concern about the spread of extreme forms of Islam in the Sandžak. In June 2010, elections to the Council of Bosniaks in Sandžak gave 17 of 35 seats to a group led by the populist mufti Muamer Zukorlić. Two elected members from the Bosnian Renaissance party subsequently defected, joining Zukorlić's group. One day before the vote, the government made an amendment to the council's election rules, requiring the ruling party or coalition to win at least a two-thirds majority of seats before a new council could be legally constituted. Under Zukorlić's leadership, the council has since operated in defiance of Belgrade. Discrimination against the Romany community is common. Amnesty International reported multiple forced evictions—conducted without warning and “under appalling circumstances”—of Romany families from public and privately owned buildings in 2011.

Women make up about 22 percent of the parliament, and five women currently serve as cabinet ministers. Just three of Serbia's 150 municipalities have female mayors. 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 their roles in the economy. A 2009 law on gender equality provides a wide range of protections in employment, health, education, and politics. Domestic violence remains a serious problem, and is reportedly on the rise. Some towns in southern Serbia have become transit points for the trafficking of women from the former Soviet Union to Western Europe for the purpose of forced 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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