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Freedom House

Freedom in the World 2019 - Serbia

Partly Free

67 /100

Overview:

Serbia is a parliamentary democracy with competitive multiparty elections, but in recent years the ruling Serbian Progressive Party (SNS) has steadily eroded political rights and civil liberties, putting pressure on independent media, the political opposition, and civil society organizations. Despite these trends, the country has continued to move toward membership in the European Union (EU).

Status Change Explanation:

Serbia's status declined from Free to Partly Free due to deterioration in the conduct of elections, continued attempts by the government and allied media outlets to undermine independent journalists through legal harassment and smear campaigns, and President Aleksandar Vučić's de facto accumulation of executive powers that conflict with his constitutional role.

Key Developments:

Key Developments in 2018:

- Local elections held in Belgrade in March were marked by media bias and allegations of pressure on voters, misuse of public resources, and intimidation of independent observers, among other irregularities.
- Opposition figures continued to face harassment and violence, including a November attack on prominent politician Borko Stefanović, who was brutally beaten by seven men before a scheduled debate in Kruševac.
- The Stefanović assault led to antigovernment protests that continued through the end of the year, with participants focusing on alleged corruption and attacks on opposition figures and the media under President Vučić and the SNS.
- The Independent Journalists' Association of Serbia (NUNS) documented 102 incidents of pressure or violence against journalists in 2018, as independent media continued to endure smear campaigns, harassment, and physical threats.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 24 / 40 (-4)

A. ELECTORAL PROCESS: 8 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is directly elected for up to two five-year terms. In April 2017, Vučić won election with 55 percent of the vote in a field of 11 candidates. The campaign was characterized by media bias and allegations of misuse of public resources and vote buying. Vučić remained prime minister throughout the election period, blurring the line between official and electoral activities.

The prime minister is elected by the parliament. Vučić named Ana Brnabić, then the minister for local government and public administration, to succeed him as prime minister following the 2017 presidential election, and she was subsequently confirmed in office by lawmakers.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4 (-1)

The Serbian National Assembly is a unicameral, 250-seat legislature, with deputies elected to four-year terms under a system of proportional representation with closed party lists.

In the wake of the snap parliamentary elections held in 2016, leaders of several opposition parties accused the SNS of rigging the polls, including by tampering with ballot boxes. Election observers from the Organization for Security and Co-operation in Europe (OSCE) noted pressure on public-sector workers to vote for the ruling party. Private television outlets largely favored the SNS in their coverage.

While the SNS and its coalition partners won the largest portion of the vote, enabling Vučić to remain prime minister, they lost 27 seats, falling from 158 to 131. Foreign Minister Ivica Dačić's Socialist Party of Serbia (SPS) and its allies, running separately from the SNS-led list, took 29 seats. The far-right Serbian Radical Party (SRS) placed third with 22 seats, returning to the parliament after a four-year absence. The progressive Enough Is Enough movement and a coalition led by the Democratic Party (DS) each won 16 seats. The pro-EU Alliance for a Better Serbia bloc won 13 seats, as did the conservative and Euroskeptic Dveri-Democratic Party of Serbia. The remaining seats went to smaller parties representing ethnic minorities. The SNS also performed well

City council elections held in March 2018 in Belgrade were, according to domestic observers, marred by procedural errors and numerous irregularities. Some voters were pressured to vote for the SNS, while others were allegedly provided with completed ballots. Media coverage was largely biased in favor of the ruling party, and there were multiple reports of the misuse of administrative resources for campaigning. Some independent observers from the Center for Research, Transparency, and Accountability (CRTA) were threatened and expelled from polling stations before vote counting commenced.

Score Change: The score declined from 3 to 2 due to reports of numerous irregularities during the 2018 local elections in Belgrade, including voters being pressured to vote for the SNS and provided with premarked ballots, misuse of administrative resources for campaigning, and intimidation of domestic observers.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws largely correspond to international standards, but aspects of the electoral process are poorly regulated, and implementation of existing rules is flawed in some respects. The Republic Electoral Commission's composition before the 2017 presidential election raised concerns about partisan influence. A parliamentary oversight committee meant to monitor the campaign was never established, and the media regulator did not proactively track and punish biased media coverage.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16 (-2)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties may be established freely and can typically operate without encountering formal restrictions. However, campaign finance regulations are weakly enforced and place no overall cap on the private funds raised and spent by parties and candidates. Following the 2017 presidential election, the OSCE reported that the Anti-Corruption Agency (ACA) had decreased the resources dedicated to proactively monitoring campaign funds and did not thoroughly investigate dubious donations. The SNS campaign enjoyed a considerable financial advantage over its rivals and reportedly benefited from the misuse of public resources, including support from state media and use of public buses to transport loyalists to rallies. The Balkan Investigative Reporting Network (BIRN) found that the SNS had orchestrated the use of thousands of proxy donors to bypass legal limits on individual donations and disguise the true source of funding.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4 (-1)

There have been peaceful transfers of power between rival parties over the past two decades, and the political system remains competitive. However, the ruling party has used various tactics to unfairly reduce the opposition's electoral prospects. These include manipulating the timing of snap elections, exerting pressure on independent state institutions, and mobilizing public resources to support the SNS's campaigns.

The SNS has expanded its influence over the media through both state-owned enterprises and an array of private outlets that are dependent on government funding, and it has harnessed this influence to strengthen its political position and discredit its rivals, further reducing opposition parties' competitiveness. Opposition figures have

also faced escalating harassment and violence in recent years. In November 2018, prominent politician Borko Stefanović of the Serbian Left party was severely beaten by seven men before a scheduled debate in the city of Kruševac. The attack on Stefanović, as well as the intimidation of other opposition leaders, was symptomatic of a broader campaign carried out by the ruling party to dehumanize the opposition.

Score Change: The score declined from 3 to 2 because increased harassment of and attacks on opposition figures, and the ruling party's use of state-owned and state-funded media to discredit the opposition, have significantly reduced the competitiveness of opposition parties.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4 (-1)

Voters enjoy a significant degree of freedom to make political decisions without undue interference, though the ruling party and allied private businesses allegedly use patronage networks to influence political outcomes. Various incentives have also been used in recent years to convince hundreds of local elected officials to form alliances with the SNS or change their party affiliation after elections. Separately, Russia has been accused of attempting to influence Serbian politics through its state-owned media and an array of small pro-Russian parties, media outlets, and civil society groups in Serbia.

During the 2017 election, there were widespread reports of employees at state or state-affiliated entities facing pressure to support the SNS and to compel their friends and families to do the same. Allegations of bribery, usually with money or food, in exchange for SNS votes, were extensive during the 2018 local elections. Citizens were also reportedly intimidated by SNS operatives who knocked on doors and pressured them to vote.

Score Change: The score declined from 3 to 2 due to credible allegations that forces associated with the ruling party engaged in widespread vote buying and voter intimidation during local elections.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The country's 5 percent electoral threshold for parliamentary representation does not apply to parties representing ethnic minorities. Groups centered on the ethnic Albanian, Bosniak, Slovak, and Hungarian communities won a total of 10 seats in the 2016 legislative elections. Nevertheless, ethnic minorities have a relatively muted voice in Serbian politics in practice. No party representing the interests of the Romany minority ran in the 2016 elections.

Women enjoy equal political rights. According to electoral regulations, women must account for at least 33 percent of a party's candidate list, and women currently hold 34 percent of seats in the parliament. Ana Brnabić became Serbia's first woman and first gay prime minister in 2017, but critics argued that her appointment was a superficial

bid to showcase the government's claims of openness toward the LGBT (lesbian, gay, bisexual, and transgender) community without systematic engagement on policy issues important to LGBT people.

C. FUNCTIONING OF GOVERNMENT: 6 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (-1)

Vučić's move to the presidency in 2017 raised new concerns about the personalization of governance and politicization of state institutions. Vučić has remained the dominant figure in government despite the presidency's limited executive powers under the constitution.

Moreover, the executive largely controls the legislative process, and opposition lawmakers are sidelined through the disproportionate use of disciplinary measures, frequent use of accelerated legislative procedures, and late changes to the legislative agenda, among other tactics. The budget for 2019, among the most important pieces of legislation passed in 2018, was adopted in December without meaningful parliamentary debate, largely because the ruling party filled the allotted time by filing scores of insignificant amendments. The dominance of the executive branch over the legislature was also reflected in the findings of a CRTA report showing that between November 2017 and July 2018, 95 percent of the laws adopted were proposed by the government.

Score Change: The score declined from 3 to 2 due to the continued concentration of power in the hands of the president as well as the manipulation of legislative procedures to stifle debate and sideline opposition lawmakers.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Although the number of arrests and prosecutions for corruption has risen in recent years, high-profile convictions are very rare. In October 2018, Finance Minister Siniša Mali, who has been accused of money laundering and other financial crimes, was ordered to pay a small fine, while the investigation against him was dropped by prosecutors, raising concerns about impunity for senior officials. The work of the ACA is undermined in part by the ambiguous division of responsibilities among other entities tasked with combating corruption.

Critics have credibly accused President Vučić and the SNS government of having ties to organized crime, and cronyism—in the form of jobs provided to allies of the president and the ruling party—is reportedly common.

C3. Does the government operate with openness and transparency? 2 / 4

The government has received sustained criticism for a lack of transparency in large-scale infrastructure projects and for secrecy surrounding public tenders. Details about the state-funded Belgrade Waterfront project, for example, which includes the construction of hotels and luxury apartments and has been beset by controversy since its announcement in 2012, have not been made available to the public.

Members of parliament do not have adequate opportunities to ask questions about government activities and legislation, and the vast majority of parliamentary questions go unanswered by the government.

Public officials are subject to asset disclosure rules overseen by the ACA, but penalties for violations are uncommon. While a 2004 freedom of information law empowers citizens and journalists to obtain information of public importance, authorities frequently obstruct requests in practice.

CIVIL LIBERTIES: 43 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16 (-1)

D1. Are there free and independent media? 2 / 4

Despite a constitution that guarantees freedom of the press and a penal code that does not treat libel as a criminal offense, media freedom is undermined by the threat of lawsuits or criminal charges against journalists for other offenses, lack of transparency in media ownership, editorial pressure from politicians and politically connected media owners, and high rates of self-censorship. The state and ruling party exercise influence over private media in part through advertising contracts and other indirect subsidies. While many outlets take a progovernment line or avoid criticism of the leadership, some continue to produce independent coverage.

A number of critical journalists and outlets faced smear campaigns, punitive tax inspections, and other forms of pressure in 2018. According to NUNS, there were 102 media freedom violations against journalists during the year. They included physical assaults, though most incidents involved aggressive rhetoric and other forms of pressure or intimidation. In December 2018, investigative reporter Milan Jovanović, who has reported extensively on corruption, was the victim of an arson attack in which unknown assailants threw a Molotov cocktail into his home.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees freedom of religion, which is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom has largely been upheld, though recent legal changes have raised concerns about political influence. The Law on Higher Education, adopted by the National Assembly in 2017, increased the presence of state-appointed members on the National Council for Higher Education and a national accreditation body; another education law, also adopted in 2017, gave the education minister centralized control over the appointment of school principals.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4 (-1)

Private discussion is generally free and vibrant, but a pattern of retribution against high-profile critics of the government has contributed to an increasingly hostile environment for free expression and open debate. Throughout 2018, perceived government opponents including journalists, civil society leaders, and celebrities were targeted with sophisticated smear campaigns in progovernment media outlets as well as investigations and other retaliatory measures. In October, authorities began an investigation of a health charity run by actor Sergej Trifunović, who has openly criticized the government on social media and in public appearances. Analysts viewed the investigation, as well as the removal of Trifunović's play from a local theater festival in November, apparently at the request of an SNS official, as acts of retaliation.

Score Change: The score declined from 4 to 3 because open debate has been discouraged by retaliatory measures, including media smears and official investigations, against high-profile critics of government policies.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 4 / 4

Citizens generally enjoy freedom of assembly. However, in October 2018, the director of a symphony hall in the city of Niš denied the opposition Alliance for Serbia access to the venue for a political rally, allegedly at the direction of local officials, despite the alliance's claim that it reserved the space in advance; the rally was ultimately held on the street.

The assault on Stefanović in November prompted massive demonstrations against the SNS and President Vučić, which continued through the end of 2018. Demonstrators called on the government to cease attacks on the press and opposition figures, and voiced objections to corruption within the government and the SNS.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Foreign and domestic nongovernmental organizations (NGO) generally operate freely, but those that have taken openly critical stances toward the government or address sensitive or controversial topics have faced threats and harassment in recent years. Throughout 2018, Jelena Milić, director of the NGO the Center for Euro-Atlantic Studies,

was the subject of a sustained smear campaign in the media in response to her support for war-crimes prosecutions and Serbian membership in the North Atlantic Treaty Organization (NATO).

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers may legally join unions, engage in collective bargaining, and strike, but the International Trade Union Confederation has reported that organizing efforts and strikes are often restricted in practice.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 2 / 4

The independence of the judiciary is compromised by political influence over judicial appointments, and many judges have reported facing external pressure regarding their rulings. Politicians regularly comment on judicial matters, including by discussing ongoing cases or investigations with the media.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process guarantees are upheld in some cases, but corruption, lack of capacity, and political influence often undermine these protections. Among other problems, rules on the random assignment of cases to judges and prosecutors are not consistently observed, and mechanisms for obtaining restitution in civil matters are ineffective. High-profile, politically sensitive cases are especially vulnerable to interference. The failure of police and prosecutors to make any visible progress on the investigation of illegal 2016 demolitions in the Savamala district on Belgrade's waterfront was widely seen as an effort to protect politically powerful perpetrators.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The population is generally free from major threats to physical security, though some prison facilities suffer from overcrowding, abuse, and inadequate health care. Radical right-wing organizations and violent sports fans who target ethnic minorities and others also remain a concern.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Legal safeguards for socially vulnerable groups are poorly enforced. For example, women are legally entitled to equal pay for equal work, but this rule is not widely respected. The Romany minority is especially vulnerable to discrimination in employment, housing, and education. LGBT people continue to face hate speech, threats, and even physical violence, and perpetrators are rarely punished despite laws

addressing hate crimes and discrimination. However, the government has made some gestures of support for the rights of LGBT people; Brnabić attended the annual pride parade in Belgrade in September 2018.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16 (–1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no formal restrictions on freedom of movement. Serbians are free to change their place of employment and education, and have the right to travel. Citizens have been able to enter the Schengen area of the EU without a visa since 2010.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

In general, property rights are respected, but adjudication of disputes is slow, and problems such as illegal construction and fraud persist. Approximately 1.5 million buildings in Serbia are not registered. Romany residents are often subject to forced evictions, and those evicted are generally not offered alternative housing or access to legal remedies to challenge eviction notices.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

A new law aimed at preventing domestic violence took effect in 2017, but such violence remains a problem; Serbia has one of the highest rates of domestic violence in Europe. Early and forced marriage is reportedly more common among the Romany minority, with more than half of Romany girls marrying before the legal age of 18.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4 (–1)

Residents generally have access to economic opportunity, but factors such as weak macroeconomic growth and a relatively high rate of unemployment contribute to labor exploitation in some industries. Several reports in recent years have described worsening conditions in factories, particularly those that produce shoes and garments, including low wages, unpaid overtime, and hazardous work environments. Legal protections designed to prevent such abuses are not well enforced. According to the Ministry of Labor, Employment, Veterans Affairs, and Social Affairs, 24 people died in workplace accidents in the first seven months of 2018.

Score Change: The score declined from 3 to 2 because working conditions in factories have deteriorated in recent years, and legal protections designed to prevent exploitation are not well enforced.

ecoi.net summary:

Annual report on political rights and civil liberties in 2018

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