

Flygtningenævnets baggrundsmateriale

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Freedom in the World - Serbia (2007)

Population:
9,400,000

Capital:
Belgrade

Political Rights Score: 3
Civil Liberties Score: 2
Status: Free

Notes

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.

Overview

The State Union of Serbia and Montenegro dissolved when Montenegro withdrew in June 2006, making Serbia an independent state. During the year, the European Union (EU) and the UN International Criminal Tribunal for the former Yugoslavia (ICTY) continued to call on Serbia to arrest former Bosnian Serb general Ratko Mladic, who was wanted on war crimes charges. The EU broke off Stabilization and Association Agreement talks with Serbia in May due to the country's failure to apprehend the fugitive. Serbia also faced ongoing negotiations over the future status of Kosovo, and voters in October approved a new constitution that reasserted the country's claim to the province.

After centuries of Ottoman rule, Serbia was recognized as an independent state by the Congress of Berlin in 1878. It formed the core of the newly proclaimed Kingdom of Serbs, Croats, and Slovenes (renamed Yugoslavia in 1929) after World War I, and in 1945, Serbia became a republic in the Socialist Federal Republic of Yugoslavia under the Communist 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 province in the south, and Vojvodina, with a significant Hungarian minority, in the north.

In the years after Tito's death in 1980, as Yugoslavia began experiencing internal strains, Slobodan Milosevic rose to power in the League of Communists of Serbia (renamed the Socialist Party of Serbia, or SPS, in 1990). Following the disintegration of Yugoslavia in 1991, the former Yugoslav republics of Serbia and Montenegro in April 1992 jointly proclaimed the formation of the Federal Republic of Yugoslavia (FRY). During the 1991–1995 wars that accompanied the breakup of Yugoslavia, Serbia under Milosevic was extensively involved in the fighting, both in Bosnia and Herzegovina and in Croatia. Milosevic and the SPS succeeded in ruling Serbia throughout the 1990s by controlling the country's security forces, financial and monetary institutions, and state-owned media.

In 1998–1999, an ethnic Albanian insurgency in Serbia's Kosovo province provoked increasingly violent reprisals by FRY forces against the guerrillas and the Albanian civilian population. In March 1999, NATO launched a 78-day bombing campaign against the FRY to force the withdrawal of Yugoslav and Serbian military and

paramilitary forces from the province. Since June 1999, a NATO-led force has occupied Kosovo, and the United Nations has overseen the province's government.

The end for Milosevic's regime came on October 5, 2000, when his attempt to steal the September Yugoslav presidential election from opposition candidate Vojislav Kostunica drew hundreds of thousands of people to Belgrade in protest. The Democratic Opposition of Serbia (DOS), a coalition of 18 political parties and an independent trade union, took power following Serbian parliamentary elections in December 2000. Zoran Djindjic of the Democratic Party (DS), part of the DOS, became Serbia's prime minister. Among other reformist policies, he worked to cooperate with the UN International Criminal Tribunal for the former Yugoslavia (ICTY) in its effort to prosecute war crimes from the 1991–1995 and 1998–1999 conflicts. However, on March 12, 2003, he was assassinated by a group of organized crime figures associated with Milosevic-era security structures. Meanwhile, the federation of the two republics of Serbia and Montenegro in the FRY proved largely dysfunctional, and a looser state union was formed in 2003, with each state guaranteed the option of an independence vote after three years.

The latest elections to the Serbian Parliament, in December 2003, stabilized the Serbian political situation somewhat by eliminating a number of small, relatively weak parties from the ruling coalition. While the nationalist Serbian Radical Party (SRS) won the most seats, the parties considered to be reformist and democratic were able to form a coalition government to keep the Radicals from coming to power. The new Serbian government, formed in March 2004 after two months of wrangling, made Kostunica Serbia's new prime minister. The minority coalition was composed of his Democratic Party of Serbia (DSS); the liberal, reformist G-17 Plus party, led by the economists Miroljub Labus and Mladjan Dinkic; and the center-right Serbian Renewal Movement–New Serbia. The coalition had tacit support from Milosevic's former party, the Socialist Party of Serbia (SPS), but excluded the DS, with which the moderate nationalist Kostunica had clashed.

Following three unsuccessful attempts to hold presidential elections in 2002–2003, Serbia finally managed to elect a president in June 2004. Djindjic's successor as head of the DS, Boris Tadic, defeated Tomislav Nikolic of the SRS. In September 2004, municipal elections throughout Serbia confirmed the DS and the SRS as the republic's leading parties, although turnout was a meager 23 percent.

Serbia remains precariously divided between the 50–55 percent majority of the electorate that supports parties that overthrew Milosevic in 2000 and the 35–45 percent segment that supports either the SRS or the SPS. Despite its broader overall support, the anti-Milosevic bloc has been vulnerable due to internal divisions. In September 2005, Tadic's DS began a boycott of Parliament, removing itself from the scene just as issues that could be politically damaging, such as the future of Kosovo, cooperation with the ICTY, and the future of the state union with Montenegro were being addressed.

In May 2006, a majority of Montenegrin citizens voted in favor of independence, breaking its ties with the much larger Serbian republic. As a consequence, Montenegro and Serbia each became independent states.

Serbia continues to have considerable difficulties in its relations with the ICTY. In 2005, the Kostunica government's policy of facilitating "voluntary transfers" of indicted individuals to the ICTY was generally seen as successful in both satisfying

the tribunal and preventing outbreaks of discontent among the country's nationalists. Six indictees are believed to remain at large in Serbia, including one of the most wanted individuals from the Bosnian conflict, former Bosnian Serb military leader Ratko Mladic. The June 2005 Serbian television broadcast of a videotape showing a Serb paramilitary unit executing six bound Muslim prisoners during the Bosnian war shocked many Serbs, and public attitudes toward the ICTY improved somewhat. However, Milosevic's death on March 11, 2006, while on trial in The Hague, again raised questions among Serbian citizens as to the ICTY's ultimate impartiality. The failure to apprehend and extradite Mladic remains the major stumbling block in Serbia's quest for better relations with the European Union (EU) and the United States.

In November 2005, the EU approved the beginning of negotiations for a Stabilization and Association Agreement with Serbia and Montenegro, but in May 2006, the negotiations were broken off due to Belgrade's failure to apprehend and extradite Mladic. As a result of this setback, Labus, a deputy prime minister from the G-17 Plus party and one of the leading economic reformers in the Serbian government, submitted his resignation. Other cabinet members from G-17 Plus subsequently resigned in October, leaving Kostunica's coalition government in a precarious position.

In February 2006, UN-led negotiations aimed at determining Kosovo's future status began in Vienna. Throughout the year, it was widely expected that the talks would result in some form of independence for Kosovo, despite Serbian opposition. International officials agreed to postpone any announcement on the issue until after Serbian parliamentary elections scheduled for January 2007, primarily to avoid a nationalist backlash.

In October, Serbia's leading political parties agreed on the draft of a new constitution, which included a provision that reasserted Serbia's claim to Kosovo. The political forces that drove Milosevic from power had promised a new constitution for several years but had finally been forced to draft one after the disintegration of the union with Montenegro. The draft was endorsed by the main politicians representing the Hungarian and Muslim (Bosniak) ethnic minorities, as well as by representatives of the Serbian Orthodox, Roman Catholic, Muslim, and Jewish religious communities. Voting in a two-day referendum on October 28–29, Serbian citizens barely endorsed the new constitution, with just over 50 percent of the electorate turning out. Kosovo's ethnic Albanian majority did not participate. Although critics found several flaws in the new charter, most observers believed that it was an improvement over the Milosevic-era constitution and the only document that was possible in Serbia's polarized political environment.

Political Rights and Civil Liberties

Serbia is an electoral democracy. The president of the republic, elected to a five-year term, plays a largely ceremonial role. The latest national parliamentary elections, held in December 2003, were conducted freely and fairly, but independent watchdog groups have harshly criticized the organization and conduct of the October 2006 referendum on the new Serbian constitution. The Serbian National Assembly is a unicameral, 250-seat legislature, with deputies elected to four-year terms of office. The prime minister is elected by the assembly.

Numerous political parties exist and compete for power in elections. The main parties are Prime Minister Kostunica's DSS; the SRS, officially headed by Hague

indictée Vojislav Seselj, but on a day-to-day basis led by Nikolic; President Tadic's DS; the G-17 Plus; and the SPS, the party of late Yugoslav president Milosevic. There is also a host of smaller parties, usually based on the charisma of a particular leader rather than any distinct ideological or philosophical orientation.

Corruption has decreased overall from the excesses of the Milosevic era, although the popular perception, probably the result of greater media openness toward the problem, is that corruption remains at very high levels. In April 2006, several government officials and businesspeople were arrested when investigators cracked down on the sale of public companies at below-market prices to private investors, allegedly masterminded by a so-called bankruptcy mafia. One of those arrested, the president of Serbia's commercial court, was the brother of the presiding judge in the trial of those accused of the assassination of former prime minister Djindjic; the judge in the Djindjic trial subsequently resigned. Serbia was ranked 90 out of 163 countries surveyed in Transparency International's 2006 Corruption Perceptions Index.

Freedom of the press has improved significantly since the Milosevic period, when the regime controlled state-owned media and some prominent members of the independent media were assassinated. In August 2005, the Serbian Parliament amended the broadcast law in a way that critics claimed increased the potential for government control over the media. The amendments postponed privatization of local broadcast media until 2008. At the same time, the changes allowed government-appointed members of the Broadcast Council to have six-year terms, while members appointed by nongovernmental organizations (NGOs) and journalists' professional organizations had only four-year terms. A major controversy regarding broadcasting licenses erupted in April 2006, when several media outlets that were considered favorites to win countrywide broadcasting licenses had their applications denied. While the extent to which political favoritism played a role in the allocation of permits remained unclear, journalists' organizations criticized the lack of transparency in the process.

Libel remains a criminal offense in Serbia, although it can be punished only by fines, not by prison sentences. Media advocacy groups continue to call for libel to be decriminalized. In 2004, the Serbian National Assembly passed the Law on Free Access to Information of Public Importance, although the Organization for Security and Cooperation in Europe (OSCE) has stated that improvements still need to be made to the law as it is now written. There were no reports of the government restricting access to the internet, although in the past there have been allegations that the government was selectively monitoring e-mail correspondence.

According to the constitution, all citizens are guaranteed freedom of religious belief. However, with ethnic and religious identities closely intertwined in the region, increases in interethnic tension often take the form of religious intolerance. The Serbian Parliament adopted a new Law on Churches and Religious Communities in April 2006. Although the law was intended to improve the independence and legal standing of religious communities in the aftermath of Communist rule, some critics have claimed that the legislation privileges the Serbian Orthodox Church. In May, the Serbian Parliament approved legislation on returning property that had been confiscated from religious communities without compensation during the Communist period. Properties belonging to seven traditionally recognized religious communities in Serbia are tax-exempt, but the dozens of other religious groups operating in Serbia are required to pay taxes on

their properties. There were no reports that the government attempted to restrict academic freedom during the year.

Citizens enjoy freedom of association and assembly. Foreign and domestic NGOs have the freedom to pursue their activities. Serbia's current laws and constitution allow workers to form or join unions, engage in collective bargaining, and guarantees workers the right to strike for better working conditions. There were no reports that the government failed to respect these rights during the current reporting period.

Legal and judicial reform is under way, although progress has been slow because of the complicated political situation in the country. In May 2006, the Serbian Parliament overwhelmingly approved a new "National Strategy for Reform of the Judiciary," which was intended to rationalize the court system and improve the training of judges and prosecutors. Corruption in the courts is perceived to be widespread. The judicial system is still plagued by a large backlog of cases, underpaid judges and state prosecutors, and an excess of judges left over from the Milosevic era. There are long delays in filing formal charges against suspects. Moreover, the authority and independence of the judicial system continue to suffer as a result of the failure of legislative institutions to heed judicial rulings. A new criminal code was adopted by the Parliament in May. An important provision of the new code shifts responsibility for carrying out criminal investigations from investigative judges to public prosecutors. While prison conditions are generally considered to meet international standards, there were riots and protests in various prisons in 2006, with inmates demanding better conditions.

Reform of the military and security services remains necessary given the close ties between Milosevic-era security officials, networks supporting fugitive war crimes suspects, extreme nationalist forces, and some organized crime groups. One of Serbia's official foreign policy goals is to join NATO's Partnership for Peace program, and ultimately NATO itself.

Cultural and ethnic minorities have their own political parties, access to media in their mother tongues, and other types of associations. Nevertheless, the numbers of ethnic minorities participating in government do not represent their percentages in the population. There are frequent complaints of unfair treatment and police harassment of the Romany (Gypsy) community, and during 2006, expressions of racism were on display at various soccer matches. During March 2004 attacks against Serbs in Kosovo, retaliating mobs attacked mosques in Belgrade and Nis; however, senior government and political leaders quickly condemned the violence. In September 2005, the Kostunica government formed a National Minorities Council tasked with protecting religious, linguistic, and other features of ethnic minorities living in Serbia.

Although women are legally entitled to equal pay for equal work, traditional attitudes prevalent throughout the Balkans often limit women's roles in the economy. In 2004, for instance, 55 percent of men were employed, but only 37 percent of working-age women were, and women in general are underrepresented in higher levels of government. Although the law states that at least 30 percent of an electoral list has to be made up of women, there are currently only 27 women in the 250-seat Serbian Parliament. In October 2005, the Serbian government set up a Council for Gender Equality to work on issues of importance to women. Domestic violence remains a serious problem. In 2005, the Serbian Parliament

passed a Law on the Family, which criminalizes “behavior by one of the family members that endangers the bodily integrity, mental health or peace of another family member,” although the law’s implementation remains difficult. Some towns in southern Serbia have become an important part of the network trafficking women from the former Soviet Union to Western Europe for the purpose of forced prostitution.