

Serbia

by Miloš Damnjanović

Capital: Belgrade
Population: 7.1 million
GNI/capita, PPP: \$13,680

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

NIT Edition	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	4	3.75	3.75	3.75	3.75	3.75	3.75	4	4.25	4.50
Electoral Process	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.5	3.5
Civil Society	2.75	2.5	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.50
Independent Media	3.75	4	4	4	4	4	4.25	4.5	4.5	4.75
Local Democratic Governance	3.75	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.75
Judicial Framework and Independence	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Corruption	4.5	4.5	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25
Democracy Score	3.79	3.71	3.64	3.64	3.64	3.64	3.68	3.75	3.82	3.96

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

Fundamental freedoms and Serbia's democratic institutions continued their deterioration in 2017, marking the fourth consecutive year of democratic decline in the country and its lowest Democracy Score in Nations in Transit since 2003. The areas that suffered particularly during the year were the independence of the media, civil society, national democratic governance, and the conditions under which local elections take place.

Perhaps the most significant political event of the year were presidential elections held in April, in which then prime minister Aleksandar Vučić won in the first round with 55 percent of the votes cast. This was the first time that a Serbian presidential candidate had an absolute majority in the first round since 2000. While the electoral outcome broadly reflected the will of the people, numerous problems evident during consecutive electoral cycles since 2012 remained present, some becoming even more acute. Reports produced by the Organization for Security and Cooperation in Europe (OSCE), as well as local election observers from the Centre for Research, Transparency and Accountability (CRTA) all listed problems such as unbalanced media coverage, pressure on public sector employees, their families or friends, as well as abuse of administrative resources as factors that significantly skewed the electoral playing field in Vučić's favor. In summing up the climate ahead of polling day, CRTA argued that the conditions in which the campaign was conducted were "sufficient that the preelection period cannot be characterized as fair, free, or in line with international democratic standards."¹ Election day itself passed with relatively few incidents or documented cases of ballot-box stuffing, but anecdotal evidence suggests that numerous instances of vote buying or pressure on voters on the day itself to vote for the ruling party's candidate took place, even if such pressure did not fundamentally alter the final outcome.

As during the previous year, the business of governing the country took a back seat to an unnecessarily protracted election cycle. Serbian Progressive Party (SNS) leader Aleksandar Vučić remained prime minister during the course of the campaign and for almost two months thereafter, before resigning at the end of May in order to be sworn in as president. The new prime minister, Ana Brnabic, finally assumed office on June 29, at the head of a largely unchanged cabinet. While the election of a pro-European, female prime minister was widely commended, including in much of Europe and North America, arguably more worrying was the fact that both the new president and prime minister left no doubt that the real power would lie in the hands of the former, despite the largely symbolic powers vested in the president's office under the constitution.

Media freedoms continued to deteriorate, with the closure of some of the few remaining independent print outlets, such as *Novine Vranjske*, and continuing financial pressure on outlets that fail to support the government or at least tone down their criticism. Journalist associations reported an increase in the number of attacks on journalists, including cases of physical attacks, as well as organized harangues by tabloids close to the ruling party following revelations of government corruption by investigative journalists.

While Serbian civil society remains vibrant and lively, both in the form of formally organized groups and ad-hoc activism and protests, the government continues to be very hostile to autonomous groups seeking to criticize or hold it to account. Although civil society has mobilized large numbers of protesters around certain issues, such as the Belgrade Waterfront development or conditions under which elections are held, authorities have largely ignored such demands.

The quality of democratic governance has also declined at the local level. Local electoral contests were held during the course of the year in an atmosphere of marked intimidation, with many local elections seeming neither free nor fair. Meanwhile, the SNS continued the practice of postelection cooptation of opposition local assembly members in an attempt to grab as much power and resources at the local level as possible. As a result, by the end of 2017, the SNS controlled the local government in 157 out of 170 local municipalities in Serbia.

Despite electoral distractions, the Serbian government did achieve some notable successes. The country's European Union (EU) accession negotiating process made slow but steady progress, with the

number of opened chapters reaching 12 by the end of the year, while 2 chapters were closed. The government also made further progress in stabilizing public finances and reducing public debt, along with modest positive reforms aimed at improving the general business environment. On the other hand, negotiations on normalizing relations with Kosovo made little substantive progress for most of the year, although President Vučić did call for an internal dialogue in Serbia on how future relations between Kosovo and Serbia should be organized.

Meanwhile, there were no noteworthy reforms when it came to rule of law or efforts to tackle corruption. Despite the fact that constitutional reforms intended to increase the independence of the judiciary were announced for 2017 as part of Serbia's EU accession efforts, these changes appear to have been deferred for 2018. A similar lack of progress was visible when it came to fighting corruption, with the topic seeming to slip ever further down the government's political agenda.

Score Changes:

- **National Democratic Governance rating declined from 4.25 to 4.50** due to the massive centralization of power in the hands of one person, President Aleksandar Vučić, and the fact that continuous elections and campaigns have largely replaced the day-to-day governing of the country.
- **Civil Society rating declined from 2.25 to 2.50** as a result of the hostile atmosphere toward the civic sector, especially those critical of the government, and the inability to achieve change despite large-scale protests and increased activism.
- **Independent Media rating declined from 4.50 to 4.75** as a result of continuing purges of independent journalists, a stifling atmosphere for critical media, and financial and other pressures on the few remaining independent outlets.
- **Local Democratic Governance rating declined from 3.50 to 3.75** due to the increasing practice of switching allegiances and cooptation by the ruling party on the local level that distorts the will of the people and the outcome of elections.

As a result, Serbia's Democracy Score declined from 3.82 to 3.96.

Outlook for 2018:

Belgrade City elections are due by March 2018 and will, given the size and importance of the capital, become an important battleground between ruling and opposition parties. According to rumors and comments at year's end by some members of the ruling SNS, it is also possible that early parliamentary elections could be held during the course of 2018. Given the undemocratic environment in which elections in 2016 and 2017 were held, it will be important to monitor the conduct of any elections during the course of 2018.

Serbia will continue to open EU accession negotiating chapters, but it will be important to watch for any progress in key negotiating Chapters 23 and 24 relating to the rule of law, corruption and fundamental freedoms, as well as possible constitutional changes which could help to increase the independence of the judiciary.

MAIN REPORT

National Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4	3.75	3.75	3.75	3.75	3.75	3.75	4	4.25	4.50

- The quality of democratic governance at the national level in Serbia has been steadily declining in the past three years. The centralization of power in the hands of one person, President Aleksandar Vučić, has led to the hollowing out of Serbia’s remaining independent institutions and an increasingly hostile and sometimes violent atmosphere for those criticizing the government or just standing in the way of government action.
- The most significant political event of the year was the presidential election, held on April 2. The election was preceded by a prolonged period of speculation as to the main contenders, particularly when it comes to the ruling Serbian Progressive Party (SNS). While it was clear that the incumbent president, Tomislav Nikolić, wished to run for a second term with the backing of the SNS, for months Serbian media had speculated that then prime minister and SNS leader Aleksandar Vučić would not back Nikolić and would run for the presidency himself.² Vučić finally declared his intention to run on February 14.³ However, Nikolić did not appear to take this decision well and for a few days Serbian media were consumed with speculation, seemingly fueled by Nikolić’s own circle, that Nikolić would run against Vučić.⁴ Yet, with Vučić managing to orchestrate a clear show of support within the SNS for himself, a split in the party was avoided as the two men reached a deal to ensure Nikolić’s support for Vučić.⁵
- While this political drama played itself out within the ranks of the SNS, Serbia’s opposition buried itself in negotiations between the main parties and groupings on agreeing a single candidate to challenge the ruling SNS.⁶ In the end, no agreement was reached. The election was ultimately contested by eleven different candidates.
- On election day, Vučić emerged as the clear victor, securing an absolute majority of votes—55.08 percent of votes cast—in the first round of voting.⁷ This was the first time since 2000, when Slobodan Milošević was ousted from power, that a candidate secured victory in the first round of a presidential election.
- Similar to 2016, for much of the year the business of governing the country took a back seat to the electoral process, Vučić’s subsequent shift to the presidency, and the formation of a new government. Rather than resigning to run an election campaign, Vučić chose to contest the election from the vantage point of the prime minister’s post. Following his victory, Vučić remained prime minister for nearly two months as president-elect, before finally assuming his post as President of Serbia. While this was not in breach of constitutional and other legal limitations, it did, effectively, put the business of governing on hold for several months in a way that was not a matter of necessity but rather choice.
- After protracted media speculation over who would succeed Vučić in the prime minister’s post, he finally announced on June 15 that his chosen successor would be Ana Brnabić, until then the minister of local government and state administration.⁸ Brnabić was duly elected prime minister on June 29, at the head of a slightly reshuffled cabinet, which included two new portfolios—ministries for European integration and the environment, respectively.⁹
- In many respects, the election of Brnabić was somewhat ground-breaking—she became Serbia’s first female prime minister since the fall of communism, as well as the first openly LGBT person to hold such a high office in Serbia. When it comes to policy, she made it clear that her government would be one of continuity, albeit with a more clearly proclaimed pro-EU agenda.¹⁰ Yet, while all of these could

be seen as positive developments, they were overshadowed by the reality that, despite the fact that Vučić had moved to an office with very few formal constitutional prerogatives, the informal center of power would shift with him to the presidency. Indeed, neither Vučić nor Brnabić attempted to construct any pretense that things would be otherwise. Brnabić stated that Vučić should be the prime minister’s “mentor” prior to her election, while Vučić referred to Brnabić primarily as taking care of economic policy.¹¹ In a significant departure from the precedent set by his predecessor, Tomislav Nikolić, Vučić also chose to remain at the helm of the SNS following his election as president.

- The passage of the presidential elections only briefly removed the topic of elections from the political agenda. Confirming Vučić’s penchant for constant elections, during September and October, sources close to the government discussed holding early Belgrade City elections in December 2017—three months ahead of schedule.¹² This idea was later abandoned, but not before Vučić floated the possibility of early parliamentary elections in spring 2018.¹³
- Parliamentary life continued to be turbulent, with debate and proceedings subject to the whims of the ruling party and its speaker. For example, on March 1, Parliamentary Speaker Maja Gojković decided to suspend the work of parliament for a month, citing a desire to “preserve the dignity” of the institution in the face of potential harmful behavior by opposition members of parliament (MPs) ahead of the presidential elections. Opposition MPs and numerous observers condemned the move as an abuse of power and an attempt to deprive the opposition of a rare public forum in which it had the opportunity to scrutinize and criticize the government.¹⁴ Gojković also conducted parliamentary proceedings in an extremely partisan way. Opposition MPs were frequently cut short in their addresses to parliament, while media reported in October that out of 62 penalties and disciplinary measures handed down by the speaker over the preceding 12 months 60 were handed to opposition MPs.¹⁵ Opposition claims that the penalties and disciplinary measures were an attempt to silence them and muzzle their criticism appeared credible, particularly given that far more offensive behavior by MPs of the ruling party was rarely sanctioned. Parliamentary life reached a new low in December 2017, when the ruling SNS effectively prevented scrutiny of the proposed budget for 2018 by flooding the session with several hundred amendments, which were often almost identical in content, in order to use up the allocated time for debate and prevent MPs from scrutinizing the budget and debating their own amendments. Just before the vote, the SNS withdrew most of the amendments.¹⁶
- The government did achieve some notable successes during the year. It opened two negotiating chapters with the European Union (EU) in February, of which one was immediately closed as well.¹⁷ A further four chapters were opened by year’s end.¹⁸ At the time of writing, Serbia has opened a total of 12 out of 35 negotiating chapters, of which 2 had been closed. On the fiscal policy side, the government continued to outperform IMF program targets for the budget deficit, helping reduce the public debt-to-GDP ratio, although structural reforms lagged.
- Relations between Belgrade and Pristina made little progress during the course of the year. Indeed, the beginning of the year saw a bizarre incident when Serbia decided to dispatch a train with the Serbian flag and the words “Kosovo is Serbia” painted on during what authorities said was an attempt to establish a regular railway service on January 14. A confrontation in north Kosovo was narrowly avoided, with the train being halted just before crossing into Kosovo. Both sides accused the other of provoking potential violence.¹⁹ The lack of progress in normalizing relations was in part due to presidential elections in Serbia and parliamentary elections held in Kosovo. Despite several high-level meetings between Serbian President Aleksandar Vučić and Kosovo President Hashim Thaci, facilitated by the EU’s Foreign Affairs High Representative Federica Mogherini, the only tangible outcome was an agreement on the integration of Kosovo Serb judges and prosecutors into Kosovo’s judicial system.²⁰ However, the establishment of an Association of Serbian Municipalities in Kosovo, a key plank of the 2013 Brussels Agreement, continued to be blocked by Pristina. Within Serbia, President Vučić proclaimed the need to conduct an intrasocietal dialogue on the nature of Serbia’s future relations with Kosovo. In what many interpreted as a prelude to Serbia’s eventual acceptance of Kosovo’s proclaimed independence, Vučić called for the Serbian people to “stop sticking their heads in the sand, to try to be

realistic” when it came to Kosovo.²¹ While his call to dialogue was commended by foreign officials, local observers and opposition politicians were skeptical of its sincerity, with many arguing that behind the calls was Vučić’s intention to hold a monologue on the subject.²² Sharp attacks on opposition politicians who made any meaningful comments regarding the future of relations between Serbia and Kosovo only seemed to back up this view.

Electoral Process

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.5	3.5

- Elections in Serbia take place regularly and broadly meet minimal democratic criteria, reflecting the will of the people. Worryingly though, there has been a gradual deterioration in both the freedom and the fairness of the electoral process over the last few years, including but not limited to the period before voting day.
- Regularly scheduled presidential elections took place on April 2 in Serbia. This was, in fact, the fourth time that Serbian voters were invited to take part in national elections in the short space of five years.²³ SNS leader Aleksandar Vučić, at the time also the prime minister, secured a landslide victory, winning an absolute majority of votes cast in the first round and securing his post as president of Serbia.²⁴ Yet, as in the previous few election cycles, the electoral playing field was so skewed in favor of the ruling candidate that the contest could not be termed fair, even if the voting was largely free on election day itself.
- A total of 11 candidates contested in the election. Speculation about the candidates began as early as the summer of 2016. Having at first denied any intention of running, Vučić finally declared his candidacy in February 2017. The former ombudsman, Saša Janković, was the first to announce his intention to run, in December 2016. Janković was supported by a broad coalition of opposition parties and figures, most significant among which was the previously ruling Democratic Party (DS).²⁵ Another candidate who was widely perceived as being among the most serious challengers to Vučić was Vuk Jeremić, former Serbian foreign minister, who was also supported by a coalition of opposition parties and opposition figures, most notably the Social Democratic Party (SDS).²⁶ Other notable candidates included Saša Radulović of the Enough is Enough movement, Vojislav Šešelj of the Serbian Radical Party, and Boško Obradović from the radical right Dveri. A rather unexpected late addition to the race was Luka Maksimović, a comedian running as the satirical spoof politician Ljubiša Preletačević Belić.²⁷
- According to the official election results published by the State Election Commission, turnout stood at 54.34 percent. The winning candidate, Aleksandar Vučić, received a 55.08 percent share of the vote, or 2,012,788 votes cast. Saša Janković was the runner up, with 16.36 percent of votes cast, followed—somewhat unexpectedly—by Luka Maksimović (9.43 percent) who seemed to attract a substantial number of youth votes, Vuk Jeremić (5.66 percent), Vojislav Šešelj (4.48 percent) and Boško Obradović (2.29 percent). All other candidates secured less than 2 percent of votes cast.²⁸
- To the surprise of many in Serbia, citing short timeframes, the OSCE/ODIHR decided not to send an election observation mission to monitor the election, but dispatched a small Election Assessment Mission (EAM).²⁹ The EAM concluded that while voters were presented with a “genuine choice of contestants, who were able to campaign freely,” pressure on voters and public sectors workers, “unbalanced media coverage,” and abuse of administrative resources all “tilted the playing field” in favor of the government’s candidate.³⁰ The EOM report noted the “particularly widespread” reports of public sector workers being forced to secure support for Vučić from their families, friends, and subordinates. It further noted that “photographs of completed ballots were to serve as evidence” of voting, with the Mission finding “several instances” of voters photographing ballots at the very small number of polling stations which they visited.³¹ Meanwhile, the media environment was described as

“marked by widespread self-censorship... reducing voter access to impartial editorial information.”³² The Regulatory Authority for Electronic Media (REM) was criticized for shying away from using its legal powers to monitor broadcast outlets and “prevent unbalanced coverage.”³³ The huge imbalance in resources between Vučić and his opponents was noted, aided by Vučić’s ability to use his position as prime minister in the campaign. Usual problems relating to the lack of oversight over campaign finance, the inaccuracies in the electoral roll, and the often-compromised secrecy of the voting process in some places were also cited.

- Among local observers, the election was monitored by the Centre for Research, Transparency and Accountability (CRTA), whose report was arguably much more critical than that of the OSCE/ODIHR. Discussing the preelection period, CRTA concluded that “the intensity of the visible inequality in the media,” official support for the government’s candidate who campaigned for president from the post of prime minister, pressure on voters, and vote buying were all “sufficient that the preelection period cannot be characterized as fair, free, or in line with international democratic standards.”³⁴ However, CRTA also claimed that on election day itself, only individual irregularities (such as reports of vote buying, pressure on voters, problems with voting rolls, etc.) were noted “which did not decisively influence the regularity of the process...nor the results of the election.”³⁵ CRTA also noted that it could not substantiate claims by some opposition candidates that 300,000 fake ballots had been cast.³⁶
- CRTA’s postelection report well illustrated how Vučić used his post as prime minister and public resources to gain an unfair advantage in the campaign. It found that, from the moment that elections were called, there was a sharp increase in the prime minister’s official functions and activities—a total of 35 official activities and events were identified over 28 days. These included 16 visits to, or openings of, factories and other investment projects; by contrast, in December 2016, CRTA found only 8 similar activities.³⁷ This was in sharp contrast to Vučić’s claim that he would only campaign in his free time, perhaps taking five days holiday close to the election to focus on campaigning.³⁸
- Preelection media monitoring by CRTA documented significantly unbalanced reporting in the campaign. During the 45 days in the run-up to the election, the organization analyzed the content of headline news in the main news programs of Radio-Television Serbia (RTS), TV Pink and N1 TV. The monitoring found 74.4 percent of headlines that were related to politicians and political parties, of which 76 percent mentioned Vučić, 3.2 percent Saša Janković, and 0.8 percent to Vuk Jeremić. While in the case of Vučić 70.5 percent of these headlines were positive and only 4.2 percent negative, when it came to Janković 25 percent were positive and 75 percent neutral, while all headlines regarding Jeremić were negative.³⁹ Monitoring of the front pages of print press identified a similar bias.⁴⁰ Particularly notable was that on the last day of campaigning six of the eight main dailies had a front page promoting Vučić, sending a particularly effective message to all those passing newspaper stands.
- On election day itself, as well as during the ensuing days, claims of vote buying, voter intimidation, voting with special-color pens, ballot-box stuffing and fraud abounded, both from opposition candidates, independent media, and the CRTA and OSCE/ODIHR observers. Yet, these claims were poorly documented.⁴¹ On balance, they do not seem to have been so widespread as to have fundamentally altered the outcome of the election, but they may well have made the difference between Aleksandar Vučić winning in the first round and having to face a second-round run-off. Nevertheless, the perception that the election was conducted fraudulently was so strong among a segment of the public that it sparked civic protests across the country, which continued for several weeks after the elections (see Civil Society).
- Three weeks after the presidential elections, local elections were held in the municipalities of Kosjerić, Kovin, Odžaci, Vrbas, and Zaječar. As has become frequent, the local contests were held amidst numerous incidents and acts of intimidation, including physical violence, directed at non-SNS local party activists.⁴² The situation was no better in local elections held on December 24 in the municipalities of Kostolac, Mionica, Negotin, Pećinci and Preševo. The campaign and election day itself were particularly marred with violence and intimidation in Pećinci, where CRTA observers were also

prevented from observing the vote and journalists were obstructed from following the voting on election day.⁴³

Civil Society

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.75	2.5	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.50

- Serbia’s civil society remained vibrant and lively, reflected in the growing number of registered civil society organizations (CSOs) as well as the emergence of ad-hoc protest movements and groups. Despite this, the civic sector has faced chronic funding problems for years, while those CSOs critical of the government increasingly find themselves under veiled and not so veiled government pressure.
- According to the Serbian Business Registers Agency, there were just over 30,500 CSOs registered in Serbia as of October 2017, around 1,500 more than in 2016.⁴⁴ While there were no indicators of the level of activity of all of these organizations, this still suggested a healthy number for a country of Serbia’s size and development.
- Yet, despite these encouraging numbers, long-standing problems continued to plague CSOs. Across Serbia, CSOs continued to face funding problems within the context of an underdeveloped culture of corporate and individual giving, while a sharp disparity remained between well-funded “elite” organizations with strong contacts with international donors or those close to the ruling elite on the one hand and the vast majority of CSOs who were not able to tap into such sources of funding on the other. Despite consistent complaints from organizations, USAID’s Civil Society Sustainability Index showed a significant improvement when it comes to the financial viability of Serbian CSOs over the last few years—in 2014, the Financial Viability component of the index stood at 5.2, by 2016 it had improved to 4.7.⁴⁵ At the same time, several other indicators declined such as the legal environment or the public image of CSOs, and Serbia was listed as the worst performer regionally.
- In practical terms, perhaps the most vibrant expression of civic activism by Serbian citizens came in the immediate aftermath of the presidential elections. On April 3, a day after the election, a Facebook event titled “Protest Against Dictatorship” called for a protest against the undemocratic conduct of the election and the wider slide towards “dictatorship” in Serbia. Given that the event was created by an (until then) anonymous individual without political party backing, few expected the protests to amount to much, yet, to most people’s surprise, the first event attracted several thousand attendees.⁴⁶ Following this initial success, the protest movement spread to other towns and cities in Serbia.⁴⁷ For several weeks, thousands of demonstrators took to the streets to protest against perceived election fraud and creeping authoritarianism.⁴⁸ Despite claims from government officials that clandestine domestic and international forces were planning a “color revolution” in Serbia, the protests seemed spontaneous and without organization from the political opposition parties. Indeed, demonstrators were keen to maintain a “leaderless” image and the protests seemed to be a genuine outpouring of public, particularly youth, discontent with the political elite as a whole. By the beginning of May, the protests began to peter out, although a small group kept them alive for much of that month.⁴⁹
- Amid a sea of other protests, the ‘Let’s not drown Belgrade’ movement successfully kept up pressure on the government to investigate the illegal night-time demolitions carried out in the Savamala district of Belgrade on the night of April 24, 2016, as well as against the wider Belgrade Waterfront development project. The movement organized various protests, including on the anniversary of the demolitions.⁵⁰ However, the pressure failed to have much impact, as police and the public prosecutor continued to stall official investigations into the matter.
- Civil society activists, particularly those challenging the authorities, continued to report attempts to discredit their work and exercise pressure on them emanating directly or indirectly from the ruling

parties. Activists of “Let’s not drown Belgrade” reported being followed, monitored, and wiretapped by what they suspected were Serbia’s intelligence agencies or other bodies, as well as a plethora of other tools used to pressure them in order to abandon their cause.⁵¹ Government officials, including Prime Minister Vučić, attempted to discredit the “Against Dictatorship” demonstrations. In April, Vučić summed up the protesters’ demands as “we want to remove Vučić, we want to abolish democracy,” vowing that he will “not allow them to dismember Serbia” and claiming that he had warned before the election of a “Macedonian scenario,” which, in the rhetoric of the Serbian leader, meant violently overthrowing the government on the streets with the support of external actors.⁵² Government-friendly tabloids sought to amplify the message that the protests were not spontaneous but organized by opposition political parties, with headlines such as “Soros Wants War in Serbia! Details of bloody plan for provoking disturbances in our country revealed.”⁵³ More ominously, months after the “Against Dictatorship” protests had died down, media reported in October that the police had filed charges against two students and accused them of illegally organizing one of the protests in April.⁵⁴ While the students denied being the organizers of the protest, the charges coincided with speculations about the timing of Belgrade City elections.

- There was a marked increase in trade union activism and social protests. Unions marked May 1, International Labor Day, with protests in the capital, Belgrade.⁵⁵ Schoolteachers organized protests in March and September (during which a brief strike was also organized) demanding better pay and working conditions.⁵⁶ In the Fiat Chrysler car plant in Kragujevac, one of Serbia’s biggest exporters, workers organized a strike over pay and working conditions in June, which lasted almost a month before a deal was struck with the company’s management.⁵⁷ Finally, there was a noteworthy escalation in more ad-hoc protests by a diffuse network of social protest groups that aimed to obstruct and prevent foreclosures and home evictions arising on various grounds.⁵⁸

Independent Media

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.75	4	4	4	4	4	4.25	4.5	4.5	4.75

- The media’s independence remained under pressure from the government during the reporting year. Indeed, attacks against individual journalists and political pressure on outlets is part of a continuing trend that has been accelerating since 2014.
- During the course of the year, the government kept up strong pressure aimed at keeping the media in check and obstructing critical reporting. While many outlets, such as TV Pink or the tabloids *Informer* and *Srpski Telegraf*, acted as propaganda tools for the government, others—including the daily *Blic*, or O2.TV (formerly B92 TV) and Radio-Television Serbia—tried to maintain some semblance of balanced reporting while still openly favoring the ruling parties and practicing internal self-censorship. A small number of independent media continued to function—including the cable news network N1, the daily *Danas*, the BETA news agency, weeklies such as *Vreme* and *NIN*, as well as a number of internet news sites, such as BIRN, KRIK, Insajder, Cenzolovka, Pitaljka and CINS. Just how unbalanced the Serbian media scene had become was evident during the presidential election, with the press climate being one of the main factors seriously undermining the fairness of the race.
- In mid-July, the Ministry of Culture and Information formed a working group for the drafting of a new Media Strategy and accompanying Action Plan, with a membership including representatives of several media organizations.⁵⁹ By the end of September, media representatives in the working group were complaining about the structure of the document, the fact that it did not take into account extensive pressure on outlets, as well as that the government was seeking to adopt the strategy without broad public consultation.⁶⁰ By the end of October, media representatives had walked out of the working

group, but the Minister of Culture, Vladan Vukosavljević, insisted that work on the strategy would continue regardless.⁶¹

- In late March, the newly elected head of the Independent Association of Journalists of Serbia (NUNS) Slaviša Lekić described the plight of Serbia's independent press as "apocalyptic," warning that "the situation in the media had never been so unbalanced".⁶² Not long after, in early May, the news director of TV N1 Jugoslav Čosić claimed that the government was preparing a new media strategy and accompanying laws that could put a halt to N1's work by banning cable network operators from owning news channels at the same time. N1 is the only news channel that is owned by a cable operator. The TV station is also one of the few television stations with independent and critical news reporting.
- While this threat has not materialized, in September much of the Serbian public was shocked by the news that the independent weekly news magazine *Vranjske* from southern Serbia had been forced to close. The magazine's founder and editor, Vukašin Obrdović, cited numerous threats and pressure that had escalated over the previous six months. He attributed them to local officials from the SNS and criminals. Obrdović described constant raids from tax inspectors and other government agencies, pressure on advertisers, threats made against his own family.⁶³ The closure of *Vranjske* was particularly significant on a symbolic level, as the magazine had, over its 23-year existence, survived the worst years of media repression during Slobodan Milošević's rule, yet had found itself unable to cope under the pressures that it faced from the present regime, as Obrdović himself noted.⁶⁴ In an act of despair, Obrdović engaged in a short-lived hunger strike, through which he stated that he hoped he would be able to focus attention on the seeming futility of the struggle for media freedom and independence.⁶⁵
- Also illustrative of what could happen to media which decided to become critical of the government was the fate of the Adria Media Group. The media group, one of the largest in Serbia, and its tabloid daily *Kurir* had, in the past, been strongly progovernment, but became increasingly critical of the ruling SNS following April's elections. After this change of editorial policy, the media group reported that the tax authority had temporarily blocked its bank accounts, leading to unpaid salaries for around 800 employees, coupled with numerous visits from tax inspectors and a smear campaign directed at the group in other progovernment media.⁶⁶
- Attacks on journalists have been rising. During the course of 2017, the Independent Association of Journalists of Serbia (NUNS) registered 92 attacks on journalists (including 6 cases of physical assault, 2 assaults on property, 22 serious verbal threats, and 64 forms of other pressure). Even more worryingly, there was an evident sharp rise in the number of reported cases, which had stood at 58 in 2015 and 69 in 2016 as a whole. The Secretary General of NUNS noted that, given the profile of the journalists who had been attacked, "the motive for attacks was evidently to intimidate those media that refuse to be silenced."⁶⁷
- Perhaps most disturbing were several attacks on journalists that occurred during the inauguration of president-elect Vučić on May 31. Those attacked included journalists from *Danas*, *Insajder*, *Vice*, Radio Belgrade, *Espresso.rs* according to media reports. In most cases, the attacks were carried out by civilians thought to be activists and/or stewards at the SNS-organized rally in front of the parliament building in honor of Vučić's inauguration, in full sight of police officers.⁶⁸ The public prosecution rejected the charges pressed by the attacked journalists against their assailants.⁶⁹ Additionally, in July, the apartment of Dragana Pećo, a journalist working at KRIK, was broken into by unknown assailants, in what appeared to be an act of intimidation, rather than burglary, given that no valuables were taken but all of the journalists belongings were turned over.⁷⁰
- Meanwhile, in September KRIK founder and editor Stevan Dojčinović once again found himself at the receiving end of attacks by the ruling parties after KRIK published a story about an apartment bought by the current Defense Minister Aleksandar Vulin in 2012. KRIK revealed that an Anti-Corruption Agency of Serbia (ACAS) investigation had been unable to determine the origin of the funds with which Vulin had bought the apartment—among the explanations offered by Vulin was that his wife's aunt had lent him the money. ACAS eventually sent a report with its findings to the Public Prosecutor's Office, suspecting wrongdoing.⁷¹ In responding to these accusations, Vulin and his Socialists

Movement (PS) launched a personal attack against Dojčinović, referring to him as a “drug addict” and challenging him to be tested for drugs, while claiming that “it is no secret that Dojčinović is paid from abroad for every text with which he attacks Vulin”.⁷² Over the next few days, Vulin’s party issued further statements in which it referred to Dojčinović as a drug addict, a “pierced masochist” and called on him to undergo a voluntary drugs test.⁷³

- In response to the closure of *Vranjske* and the attacks on KRIK, media and civil society organizations launched a campaign under the slogan “Stop the Media Blackout” [Stop medijskom mraku], as part of which 300 media outlets and other organizations blocked out their websites and pages for one hour on September 28, while printed media carried logos on their front pages and electronic media played ads with the message.⁷⁴ The outlets also formed a “Group for Media Freedom,” an informal coalition of independent media and civil society organizations. The group launched a “Proclamation for Media Freedom” on October 5, the anniversary of the fall of Slobodan Milošević’s regime.⁷⁵ On October 10, the European Federation of Journalists (EFJ) announced that it would dispatch an international mission to Serbia to investigate the state of media freedoms, while the head of the EFJ, Mogens Blicher Bjerregard, warned in an interview that Serbia was currently the worst violator of media freedoms in the Balkans.⁷⁶

Local Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.75	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.75

- The quality of Serbia’s local democratic governance has deteriorated in the past few years. The extent of the SNS’s domination at the local level—where it has power in 157 of 170 local municipalities—is unprecedented by Serbian standards, and the newly emerging practice of coopting opposition representatives in local assemblies to switch party allegiances so as to bolster the SNS is undermining citizen’s trust in the institution of elections. Particularly problematic is the atmosphere of intimidation in which several local electoral contests were held in 2017 and previous years.
- During the reporting period, local elections were held in April in the municipalities of Kosjerić, Kovin, Odžaci, Vrbas and Zaječar. The ruling SNS won an absolute majority of the votes cast in the municipality of Odžaci, while in Kosjerić, Kovin and Vrbas the party came first in terms of vote share.⁷⁷ Only in Zaječar was SNS beaten by a local coalition, the Krajina Movement, led by Boško Ničić.⁷⁸ Local elections were also held in December in the municipalities of Kostolac, Mionica, Negotin, Pećinci and Preševo. The SNS won absolute majorities in all except Preševo, where the predominantly ethnic Albanian electorate voted for local parties.⁷⁹
- An increasingly frequent and worrying phenomenon in Serbia is the practice of local assembly members defecting from one political party to another, typically from opposition parties to the SNS. At the end of June, CRTA launched a new website called ‘Who is in power’⁸⁰ that sought to track the shifting allegiances of local assembly members in Serbia. According to the published data, following the April 2016 local elections through to the end of August 2017, 285 local assembly members in 68 municipalities had switched from one party to another, of which 133 had chosen the SNS. Further defections from opposition parties to the SNS were registered subsequently. CRTA director Vukosava Crnjanski argued that postelectoral party defections were becoming the norm, rather than an exception, adding that “altering the will of the people outside of elections was bringing about the collapse of public trust in institutions and the rule of law”.⁸¹
- During the year, the SNS seemed to systematically exploit every opportunity to exercise pressure on opposition local assembly members across Serbia in order to coopt as many of them as possible

and eliminate local sources of political opposition. According to data compiled by CRTA, having won majorities in 132 local municipalities in the 2016 local elections, the SNS had secured power in another 9 thanks to coalition agreements with other parties, while in a further 7 municipalities it had formed local governments thanks to individual defections to its ranks. Along with 9 municipalities in which it already had power (and where elections were not held in 2016), by October 2017 the SNS was in control of 157 out of 170 local municipalities in Serbia.⁸²

- In this regard, a few cases are particularly illustrative. Following the victory of the Krajina Movement and Boško Ničić in the Zaječar local elections, the group formed a local governing coalition with the SNS, which became its junior partner.⁸³ Over a year later, media reported that Ničić’s entire Movement had joined the SNS.⁸⁴ More sinister was the case of the small municipality of Brus. In August, *Sportski Žurnal*, a sports magazine, published a story about a police investigation into the finances of Kopaonik 1931 Football Club, a club recently formed by the mayor of Brus, Milutin Jeličić, and a few of his close associates.⁸⁵ Just a few days later, on August 20, Serbian media reported that Jeličić and the entire Brus municipal branch of his New Serbia (NS) party—in opposition at the national level—had switched allegiance to the SNS.⁸⁶
- Meanwhile, in June, Serbia’s Fiscal Council, an independent government body, warned that Serbia’s local governments were running up huge debts. According to the Fiscal Council, the combined debts and arrears of Serbia’s local governments stood at around 4 percent of the country’s GDP. The Fiscal Council noted that the cities of Kragujevac and Niš were on the verge on bankruptcy, while the public finances of Belgrade and Novi Sad were also singled out as being particularly precarious.⁸⁷

Judicial Framework and Independence

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5

- Despite the government’s professed desire to improve the rule of law along with the functioning of the judicial system, partly under EU pressure, the quality of Serbia’s judicial framework and independence has been stable at a rather low level. Judges and prosecutors routinely complain of political pressure, while reforms necessary for EU accession are stalling.
- During the reporting period, no significant reforms took place relating to Serbia’s judicial framework and its independence. This was also reflected in the reports of the PrEUgovor coalition, an alliance of CSOs formed with the aim of monitoring reforms relating to EU accession negotiating Chapters 23 and 24, on rule of law and fundamental rights. PrEUgovor’s October report noted that the Ministry of Justice had reported successfully implementing only 65 percent of the tasks envisaged for the first half of 2017 under its reform Action Plan for Chapter 23, a decline from 71 percent implemented under the same Action Plan during the second half of 2016.⁸⁸ Even when it came to measures that were considered implemented under the Action Plan, PrEUgovor’s April report noted that there was “no firm evidence that they had delivered the expected changes.”⁸⁹
- One rare area where progress was made was in the appointment of a new Chief War Crimes Prosecutor, Snežana Stanojković, a position that had been unfilled for a year and a half. Prior to being chosen, Stanojković, who had joined the War Crimes Prosecutor’s Office in 2008, put a particular focus on her commitment to prosecute war crimes against Serb victims.⁹⁰
- Judicial independence remained one of the key problems and reform challenges for Serbia. The World Economic Forum’s Global Competitiveness Index 2017-2018 ranked Serbia 118th out of 137 jurisdictions across the world in terms of independence.⁹¹ In a study published in January 2017, as part of which 1,585 Serbian judges answered questions about their work, a total 44 percent reported

having come under some form of pressure in the process of reaching their rulings. Interestingly, of these, 43 percent reported pressure from within the judicial system, particularly the heads of different courts, while 27 percent reported pressure from other branches of government.⁹²

- The government’s previously adopted Action Plan for reforms relating to Chapter 23 had envisaged the adoption of constitutional reforms aimed at strengthening judicial independence by the end of 2017. While the Ministry of Justice held three public discussions on the future constitutional amendments relating to the independence of the judiciary during the course of the year,⁹³ CSOs complained about the quality of these discussions, as well as the fact that the government had not actually presented any proposals by year’s end.⁹⁴ At the same time, representatives of the Association of Judges of Serbia and the Association of Prosecutors of Serbia both warned that they feared that the authorities intended to use the constitutional changes to reduce, rather than increase, the independence of the judiciary.⁹⁵ In late October, the Head of Serbia’s EU Accession Negotiating Team, Tanja Mišević, stated that, as part of a wider revision of the reform Action Plans for Chapters 23 and 24, the adoption of constitutional amendments relating to the judiciary would be deferred until 2018.⁹⁶
- The case of Stanka Simonović, the President of the Regional Court in Pančevo, illustrated what happens to judges whose rulings displease powerful politicians in Serbia. Simonović faced an aggressive smear campaign from local TV Pančevo, reported to be close to the SNS, after she quashed a two-and-a-half-year sentence handed down to a journalist in April. The charges against the journalists had been pressed by local SNS officials.⁹⁷
- Many former judges and observers also saw political involvement in the failure of the police and the prosecutor’s office to make any substantial progress in investigating who had carried out and organized the 2016 illegal night-time demolitions in the Savamala district of Belgrade. Although then prime minister Vučić had clearly pointed the finger at the most senior members of the Belgrade City Government, the police continued to drag their feet, while the prosecutor’s office seemed to take no firm steps either. Observers concluded that the authorities were trying to drag the investigation out in order to ensure that those responsible for organizing the demolitions would never be brought to justice.⁹⁸ By October 2017, the Commissioner for Information of Public Importance had handed down five sets of sanctions against the public prosecutor’s office for failing to respond to freedom of information requests about the investigation.⁹⁹

Corruption

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<u>4.5</u>	<u>4.5</u>	<u>4.25</u>	<u>4.25</u>	<u>4.25</u>	4.25	4.25	4.25	4.25	4.25

- Contrary to repeated claims by the government over the last few years that fighting corruption was a top priority, little has been done in the field that would point to an improvement. The number of corruption-related arrests has increased but the cases have rarely led to successful prosecutions. At the same time, the government has failed to institute steps that would prevent corruption from occurring.
- During the reporting period, there were few noteworthy positive developments when it comes to fighting corruption in Serbia. The PrEUgovor coalition’s reports from April and October noted that, while in the period October 2016-April 2017 there had been some limited improvements in the legislative framework for fighting corruption,¹⁰⁰ the energy had run out by April and no additional steps were taken in the subsequent period.¹⁰¹ One of the main reasons for the noted improvement in the April 2017 report was the adoption in November 2016 of the Law on the Organization and Competences of State Bodies in Fighting Organized Crime, Terrorism and Corruption. The law, which is supposed to improve inter-institutional cooperation, had yet to come into effect by year’s

end. PrEUgovor's report also suggested that other negative trends, such as the poor implementation of previously adopted legislation, remained a key problem.¹⁰²

- In its April report, the PrEUgovor coalition unequivocally noted that “lack of political will” is the main factor that prevents the implementation of existing legislation or reforms related to fighting corruption.¹⁰³ Despite the fact that the ruling SNS owes much of its rise to power to the fact that, in its early days in power in 2012-2014, it successfully presented itself as going after corruption, anticorruption rhetoric seems to have been pushed ever more to the margins in terms of the priorities of successive SNS-led governments. Last year's Nations in Transit report noted that fighting crime and corruption was only the 10th and final point on the agenda of the new government sworn in during August 2016, as presented by then prime minister Aleksandar Vučić. In contrast, in the program put forward by new prime minister Ana Brnabic in July 2017, fighting corruption was further relegated in importance, being just one of six priorities listed under the heading of “Protection of Human Rights and Security” in her expose.¹⁰⁴ The lack of progress in tackling corruption was also reflected in Transparency International's Corruption Perceptions Index, where, in 2017, Serbia was ranked 77th of 180 jurisdictions, a decline of six places.¹⁰⁵
- During the course of 2017, the Serbian government declared that, in line with the adopted EU accession Action Plan for Chapter 23, a new law on the functioning of the Anticorruption Agency of Serbia (ACAS) would be adopted by the end of the year. Yet, this failed to happen by December.¹⁰⁶ For much of 2017, the work of ACAS remained paralyzed. While the previous director of the Agency, Tatjana Babić, had resigned in December 2016 due to her appointment as a Constitutional Court judge, the mandate of several members of the ACAS Board expired at the beginning of 2017. With the parliament failing to act to elect new people, for much of the year the Board was composed of only two members out of nine, paralyzing the Agency's work and leaving it unable to elect a new director. The situation improved somewhat in July, with the election of four new members,¹⁰⁷ which finally allowed for a new Agency Director, Majda Kršikapa, to be elected in September.¹⁰⁸ Yet, Kršikapa resigned from the position just two months later with no explanation; independent media and Transparency Serbia noted that Kršikapa had, during her short mandate, launched numerous investigations and showed a desire to reinvigorate the work of the Agency, leaving open the suggestion that this was why she had found herself forced to resign.¹⁰⁹
- In another twist in one of the most high-profile corruption prosecutions over the recent years, that against Serbian businessman Miroslav Mišković, in September 2017 the Belgrade Court of Appeals quashed a five-year prison sentence handed down to Mišković in June 2016 for aiding tax evasion, ordering a retrial.¹¹⁰ The decision was severely criticized by President Vučić, leading to claims that he was applying political pressure on the judiciary.¹¹¹
- Meanwhile, Serbian police continued the practice of carrying out spectacular mass arrests of large numbers of individuals in seemingly unrelated cases. While media reported the large numbers of those arrested, some outlets also noted the discrepancy between the high arrest numbers and low number of ensuing convictions. It was also noteworthy that two such large arrests were carried out in the month ahead of the presidential elections.¹¹²
- One episode that particularly caught the attention of the Serbian public at the end of 2017 was the revelation that the city of Belgrade had spent a spectacular 83,000 euros on the purchase of a plastic Christmas tree. Given that this far exceeded the cost of other similar Christmas trees around the world, many observers suspected corruption in the tendering process.¹¹³ The public prosecutor launched an investigation into the case at year's end.¹¹⁴

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²⁴ Serbia’s election law requires a second round run-off if no presidential candidate wins an absolute majority in the first round of elections. The last time that a presidential candidate secured victory in the first round of an election was in 2000, when Vojislav Kostunica beat Slobodan Milošević.

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²⁷ Luka Maksimović, aka Ljubiša Preletačević Beli, seeks to parody the entire political establishment and harness protest votes. Preletačević, the surname of his alterego, is a pun on the word “preletač” which has become a common term in Serbian for politicians who switch parties for some kind of personal gain, typically after, or immediately ahead of, elections. Beli, meaning “white” in Serbian, is intended as a nickname, but also has clear connotations to previous protest voting campaigns which called on voters to cast ‘white’, or blank, ballots as a form of protest against the entire political elite.

²⁸ “12th Regular Press Conference of the Republic Electoral Commission,” Republic of Serbia Electoral Commission, 18 April 2017, <http://www.rik.parlament.gov.rs/english/aktivnosti-konferencije.php#a12>

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