

# Serbia

by Sanja Pesek and Dragana Nikolajevic

*Capital:* Belgrade  
*Population:* 7.4 million  
*GNI/capita:* US\$10,380

Source: The data above was provided by The World Bank, *World Bank Indicators 2010*.

## Nations in Transit Ratings and Averaged Scores

	Yugoslavia			Serbia						
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Electoral Process	4.75	3.75	3.75	3.50	3.25	3.25	3.25	3.25	3.25	3.25
Civil Society	4.00	3.00	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.50
Independent Media	4.50	3.50	3.25	3.50	3.25	3.25	3.50	3.75	3.75	4.00
Governance*	5.25	4.25	4.25	4.00	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	4.00	4.00	3.75	4.00	4.00	3.75
Local Democratic Governance	n/a	n/a	n/a	n/a	3.75	3.75	3.75	3.75	3.75	3.50
Judicial Framework and Independence	5.50	4.25	4.25	4.25	4.25	4.25	4.25	4.50	4.50	4.50
Corruption	6.25	5.25	5.00	5.00	5.00	4.75	4.50	4.50	4.50	4.50
Democracy Score	5.04	4.00	3.88	3.83	3.75	3.71	3.68	3.79	3.79	3.71

\* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTES: 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

---

Serbia's transition to democracy began in 2000, a decade later than most countries in the region. When the Socialist Federal Republic of Yugoslavia, a federation of six republics, broke apart in 1991, Serbia and Montenegro formed the Federal Republic of Yugoslavia (FRY) in 1992. The extradition of former president Slobodan Milošević in 2001 to the International Criminal Tribunal for the Former Yugoslavia (ICTY) signaled Serbia's determination to reintegrate itself within the international community, although it did little to end political instability within its own borders. The assassination of then Serbian prime minister Zoran Djindjić only two years later highlighted the dangerous divides within and between Serbia's ruling political and security elites. Replacing the FRY in February 2003, Serbia and Montenegro signed the Belgrade Agreement to form a unified state. The 2004 election of President Boris Tadić, a pro-reform and pro-European Union (EU) integration advocate, improved Serbia's political and international prospects. In May 2006, citizens of Montenegro voted by 55.5 percent to terminate their three-year state union with Serbia. Also in 2006, albeit amid controversy, the new Constitution of the Republic of Serbia was accepted. In 2008, a number of significant events took place: Serbia held provincial, parliamentary, and presidential elections; Kosovo unilaterally declared independence; the ICTY indictee, Radovan Karadžić, was arrested and extradited to the UN War Crimes Tribunal in The Hague; and the government faced difficult discussions over EU membership.

There were significant improvements in Serbia in 2009 in the areas of civil society, local governance, and national democratic governance. Parliament passed a number of long-awaited laws, including the Antidiscrimination Law, the Law on Associations, the Vojvodina Statute and the accompanying Law on Transfer of Jurisdiction from National to Municipal Government, as well as the Law on Financing of Political Organizations. In late November, the EU abolished visa requirements for the citizens of Serbia, which will take effect on January 1, 2010. In early December, EU Foreign Affairs Ministers meeting in Brussels removed restrictions against the Interim Trade Agreement (the trade part of the Stabilization and Association Agreement, or SAA) with Serbia after the Netherlands put aside objections following a positive report by the Chief Prosecutor of the ICTY, Serge Brammertz, on Serbia's cooperation with the Hague War Crimes Tribunal. In addition, on December 22, the Swedish presidency of the EU accepted the EU candidacy bid for Serbia's full EU membership. Despite these welcome trends, concerns persist over whether Serbia can maintain full cooperation with the ICTY in apprehending the two remaining fugitives—Ratko Mladić, former military chief of Serbs in Bosnia, and Goran Hadžić, a former Serb leader in Croatia.

**National Democratic Governance.** In 2009, the Serbian government demonstrated stability and focused on accession to the EU, despite the global economic crisis and other challenges. In November, Parliament adopted the long-awaited Statute of Vojvodina, providing new powers to the autonomous province, including the authority to enter into international and inter-regional agreements, to open representative offices abroad, and to create the Academy of Sciences and Arts of Vojvodina. In December, the EU agreed to resume the interim trade agreement with Serbia and removed visa requirements for citizens of Serbia traveling to EU member states. Following positive reviews from the European Commission and ICTY, Serbia submitted its application for full EU membership in late December. *As a result of achieving long-awaited positive developments in 2009, and despite concerns that the government will continue with uneven efforts toward meeting its domestic and international obligations, Serbia's national democratic governance rating improves from 4.00 to 3.75.*

**Electoral Process.** While mostly focused on international diplomacy and the consequences of the economic crisis, the Serbian government largely failed to engage the citizenry in its pro-reform agenda, rendering voters vulnerable to the effective populist rhetoric of the Serbian Radical Party (SRS) and Serbian Progressive Party (SNS), as reflected in the results of the 2009 Belgrade municipal elections. During the year, the Law on Election of Councillors, Law on the State Electoral Commission, and Law on the Single Register of Voters were drafted. The new Law on Political Parties, which will establish stricter rules for registration and likely reduce the number of parties, was passed by Parliament in May 2009. *Despite these positive developments, the country's electoral framework remains weak and lags behind European standards, thus Serbia's electoral process rating stays at 3.25.*

**Civil Society.** After nine years of repeated attempts and persistent lobbying by nongovernmental organizations (NGOs), the Serbian Parliament finally passed the new Law on Associations and the Antidiscrimination Law in 2009. Additionally, NGO advocacy efforts have led to greater cooperation with the government, including a recently announced Government Office for Cooperation with Civil Society. These are significant advances in establishing more stable and favorable conditions for NGOs, human rights defenders, and citizens alike. These achievements are even more remarkable in the context of a year marked by violence and threats by extremist groups against various sectors of civil society. Although trade unions continue to be marginalized, the workers' movement is gaining momentum in its demands for decentralization and the fight against corruption. *Owing to the strengthening role and stability of civil society and increasing cooperation from government structures, Serbia's civil society rating improves from 2.75 to 2.50.*

**Independent Media.** Serbia's already fragile media regulatory framework was further weakened in 2009 by controversial new laws and amendments that were hastily adopted without public debate. There are growing concerns that this new

legislation could further increase self-censorship, economically weaken the media sector, and jeopardize its independence in relation to the country's political powers. Recent attacks against journalists and media outlets, in addition to previously unresolved murders and attacks, have created a climate where violence against journalists increasingly appears to go unpunished. *Given these negative trends, Serbia's independent media rating worsens from 3.75 to 4.00.*

**Local Democratic Governance.** In 2009, the Serbian Parliament adopted the long-awaited bill on the Autonomous Province of Vojvodina, which harmonizes the province's jurisdiction with the constitution, conducts a decentralization process, and expands autonomy of the province. However, the accompanying law on the transfer of state property to local authorities has not yet been adopted. Although the national Parliament has yet to pass a number of relevant laws in this domain, this adopted legislation is a crucial first step toward a substantial decentralization of government powers and responsibilities. *Owing to the passage of the long-awaited bill on the Autonomous Province of Vojvodina, Serbia's local democratic governance rating improves from 3.75 to 3.50.*

**Judicial Framework and Independence.** The significant backlog of civil, criminal, commercial, and administrative cases coupled with the inefficient enforcement of judgments, continue to plague Serbia's justice system. Although some key laws were passed in 2008–09, a number of obstacles must still be overcome in order to establish an independent judiciary. Likewise, progress on domestic war crimes cases has been slow. The entry into force of the 2006 Criminal Procedure Code was postponed for the second time until the end of 2010. *Serbia is making progress in the adoption and implementation of a new legislative framework, but much reform is still needed to bring about the independence, accountability, and efficiency of the judiciary. Thus, Serbia's judicial framework and independence rating remains at 4.50.*

**Corruption.** In 2009, Serbia made a few small gains in battling corruption with the election of the executive board of the Anti-Corruption Agency by Parliament in April, the arrests and prosecution of a number of high-level corruption cases by the enforcement authorities, and the establishment of internal controls in all law enforcement agencies. However, the processing of corruption cases remains inefficient and rarely results in legal convictions. Additional difficulties are caused by the two-year appointment of a special prosecutor and deputies, which limits their effectiveness and autonomy. Although the agency is expected to become fully functional by January 2010, and steps were taken this year to strengthen its capacity, the current legal framework may prove insufficient in granting adequate powers to the agency. *Despite legislative initiatives in 2009, there are still serious deficiencies in the enforcement of anticorruption laws, leaving Serbia's corruption rating at 4.50.*

**Outlook for 2010.** Serbia has applied for EU candidacy and membership negotiations are expected to begin in 2010, conditioned on the state's full cooperation with the ICTY as well as continued harmonization of laws with European standards. The government will need to balance international obligations while undertaking major economic and political structural changes in the country. Some of these changes, such as budgetary cuts, reduction in salaries and pensions, as well as job cuts, may face strong public opposition and lead to social unrest.

# MAIN REPORT

---

## National Democratic Governance

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Y u g o s l a v i a			n/a	4.00	4.00	3.75	4.00	4.00	3.75

The 2008 parliamentary elections in Serbia gave a clear and decisive tone to pro-European parties and resulted in the new government's efforts toward the country's European Union (EU) integration. On December 19, 2009, citizens of Serbia were granted the capacity to travel freely to the EU. Also in December, the EU agreed to resume the interim trade agreement with Serbia effective January 1, 2010, with the intention to discuss the ratification of the Stabilization and Association Agreement in June 2010. Cessation of the 18-month blockade on the interim trade agreement meant a green light for Serbia to submit its bid for full EU membership, which it did on December 22. These encouragements were based primarily on the October report of the European Commission (EC) stating that Serbia had made significant progress in implementing European reforms, and the December International Criminal Tribunal for the Former Yugoslavia (ICTY) report to the UN Security Council that evaluated Serbia's cooperation with the tribunal as positive.

In 2009, the government adopted numerous laws aimed at further aligning national legislation with European standards. However, this process was not accompanied by sufficient regulatory impact assessments and effective implementation of existing laws and strategies, resulting in "uneven administrative capacity on European integration within line ministries."<sup>1</sup> In addition, these laws, often adopted through an urgent procedure, were not based on sufficient, or in some cases any, public debate. This last criticism appears to reflect on multiple aspects of Serbian government performance, from fiscal transparency to security.

While the Provincial Assembly of Vojvodina adopted a draft Statute of Vojvodina in October 2008, the national Parliament only adopted it on November 30, 2009. The delay resulted from political and party divisions in the approach to decentralization in Serbia, and generated long and heated debates about territorial integrity, the meaning of citizenship, and the Serbian constitution. The adopted Statute provides new powers to the Autonomous Province of Vojvodina, including the power to enter into international and inter-regional agreements and to open representative offices abroad, and provides for the creation of the Academy of Sciences and Arts of Vojvodina (VANU).

The global economic crisis impacted Serbia in 2009 with a high foreign trade deficit, decreased direct foreign investment, decreased earnings (despite already having the lowest average wage in the region), and a rise in unemployment. The government made efforts to mitigate these negative effects early in the year by approaching international financial institutions to secure loans to inject liquidity into the financial sector. Although it subsequently adopted two packages of

loans at preferential interest rates, the government also made adjustments to its original financial crisis relief plan in order to respond to International Monetary Fund (IMF) requirements. This legislation, which reduced salaries for all elected and appointed public servants until the end of 2009, was just one of the measures that the government passed in its effort to balance further cuts in public-sector spending and employment in order to meet IMF-agreed budget deficit targets amid the heightened risk of public backlash and social discontent.

According to the IMF's 2009 Report on Observance of Standards and Codes (ROSC)—Fiscal Transparency Module, Serbia has made “solid advances” toward compliance with the IMF's Code of Good Practices on Fiscal Transparency. For example, it cites the passage of laws for fiscal management, the establishment of taxpayers' rights, and adherence to a precise budget calendar. Serbia's clear budget process, careful supervision of revenues and expenditures, and the availability of fiscal information to the public also earned praise. Despite this progress, the IMF asserts that, “there are still some major shortcomings” with Serbia's adherence to the code. Boundaries between national and regional budgets are unclear, as are responsibilities within the general government. The IMF regards one of the major deficiencies in Serbian fiscal governance to be the lack of a functioning Supreme Audit Institution (SAI) to make independent external audits of the government's financial statements.

Despite greater involvement in general oversight of the Parliamentary Committee for Security and Defense in 2009, civilian oversight of the security forces remained insufficient. The actions of the committee included periodic hearings with the civilian and military intelligence services and field visits to security agencies. However, it did not hold debates on military budget spending and procurement.

After a public dispute broke out between the army chief of staff and the minister of defense regarding the pace and nature of defense reforms in December 2008, the Serbian president, in line with his constitutional powers, dismissed the army chief of staff and appointed a replacement in February. In March, the government adopted a strategic defense review that provided the framework for medium- and long-term defense planning. The Ministry of Defense demonstrated greater openness to consultations with civil society on preparing the new military strategies. Although the government adopted two key reform documents in April—the military strategy and the defense strategy—the Laws on Alternative Service and Conscientious Objection, Military Intelligence, and Military Security Agencies, and the Law regulating Trade in Arms and Military Equipment had not been adopted by year's end.

#### Electoral Process

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Y u g o s l a v i a				3.50	3.25	3.25	3.25	3.25	3.25	3.25

Compared to 2008—a year that included all major elections in Serbia (presidential, parliamentary, and local), a crisis of government caused by Kosovo's unilateral proclamation of independence, and obligations related to EU integration—2009

was a rather uneventful electoral year with just a handful of Serbian municipalities holding elections.

As part of the reform of electoral legislation, the Ministry for Public Administration and Local Self-Government prepared drafts on the following laws: the Law on Election of Councillors, the Law on the State Electoral Commission, and the Law on the Single Register of Voters. Passage of these laws is expected to significantly improve the transparency and accountability of elected officials, increase direct citizen participation, and help Serbia's EU accession through legislative harmonization with European standards.

In May, Parliament adopted the new Law on Political Parties that increases the number of signatures required for registering a party from 100 to 10,000 (or 1,000 for parties representing minorities). These dramatically stricter rules for registration are expected to reduce the number of parties (442 are registered with the Serbian Ministry of Public Administration and Local Government, and 133 with the old federal registry) while strengthening oversight of party financing.<sup>2</sup> The new registration process started in July with renewals required every eight years.

The electoral framework remains one of the weakest aspects of the Serbian government. Although providing for mostly fair elections, it has yet to be revised in line with European standards, especially regarding the control that parties constitutionally have over member of Parliament (MP) mandates ("imperial mandate"). The current procedure triggered a major political and legal dispute following the 2008 split within the Serbian Radical Party (SRS), leading to the formation of a new party, the Serbian Progressive Party (SNS), with a separate caucus in the Serbian Parliament.

In an interview with the Belgrade daily *Vecernje Novosti*, President Boris Tadić commented that laws governing elections and the registration and financing of parties needed to be amended along with parts of the constitution, such as the section defining the number of MPs: "I personally see no reason why Serbia should have 250 MPs, because 150 are enough for a country this size," stated Tadić. He linked the problem of excessive government with the current election law, which "allows a large number of parties to participate in elections, enter Parliament with ease, and set conditions for entry in the government."<sup>3</sup>

The results of the June 7 local elections held in three Belgrade municipalities (Kosjerić, Voždovac, and Zemun) were seen by some as a political bellwether and used as basis for creating new coalitions. In Voždovac, Tomislav Nikolić's SNS won the majority of votes with 28.8 percent; while the pro-European coalition of Democratic Party (DS), G17+, and the Serbian Renewal Movement (*Srpski Pokret Obnove*, or SPO) won 28.3 percent; and Former Prime Minister Koštunica's Democratic Party of Serbia (*Demokratska Stranka Srbije*, or DSS) won 12.3 percent. In Zemun, SNS won 34 percent; DS coalition 27.71 percent; SRS 10 percent; and DSS 7 percent. As the party winning the largest percent of the votes, SNS declined to share power with DS and instead, it offered its cooperation to DSS and the SRS.<sup>4</sup> The second-round elections in Voždovac on December 6 mirrored some of the results from the first round and generated further encouragement for SNS.



Yet, the question remains just how indicative the results of the local elections truly were—with only 150,000 municipal voters participating—in a country of nearly 7 million total voters. The emergence of SNS as a much stronger political contender than SRS suggests the continued and deeper shift of conservatives toward Europe. The strong ranking of SNS in voter opinion polls might also indicate that its platform of social welfare resonated with at least one-third of voters in Serbia in a year of global economic crisis.

During 2009, the Serbian government remained invested in the political developments in Kosovo. Not recognizing Kosovo's independence, both the government and President Boris Tadić discouraged Serbs in Kosovo from taking part in the Kosovo local elections in November, albeit not as forcefully as in previous years. For their part, ethnic Serbs in Kosovo's north largely boycotted the elections, while the turnout of ethnic Serbian voters in the south of Kosovo, and to a degree in central Kosovo, was much more pronounced; they even secured a few positions including mayor of Gračanica.

#### Civil Society

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Y u g o s l a v i a				2.75	2.75	2.75	2.75	2.75	2.75	2.50

In Serbia, nongovernmental organizations (NGOs) have long functioned under an unfavorable legal framework. On July 8, after nine years of repeated attempts, a new Law on Associations was finally adopted by Parliament. The new law was drafted by a working group within the Ministry of State Administration and Local Self-Government with considerable NGO participation and in accordance with European standards and best international practice. According to a report by the EU-funded Technical Assistance to Civil Society Organizations the new law “provides, for the first time, the complete legal framework for creation, status, and operations of associations in Serbia. It also enables international NGOs to operate legally in Serbia, something which officially [had] not been regulated for previously.”<sup>5</sup>

According to the new law, an association is a voluntary, nongovernmental organization established with the aim to promote and realize general public interests that are not prohibited by the constitution or other laws. Associations may acquire property through collection of membership fees, contributions and donations, legacies, subsidies, interest on savings accounts, rent, and dividends. The law also regulates the status and activities of foreign associations. NGOs have welcomed the new legislation as a modern tool for strengthening civil society.

The Serbian civic sector has actively lobbied to improve tax and fiscal measures for non-profit organizations. Among these, a Law on Funds and Foundations, a Law on Volunteering, and legislative means of providing NGOs with fiscal benefits (coordinated by the Ministry of Finance in cooperation with the Center for Development of the Nonprofit Sector and the Balkan Community Initiative Fund)

have been drafted with NGO cooperation but have yet to be passed. Additionally, new tax regulations are planned for the near future. Due to NGO lobbying, the government recently announced that it will institute a Government Office for Cooperation with Civil Society, which is expected to establish a more stable and favorable environment for civil society development.

Although the right to freedom of assembly and association is guaranteed by the constitution and has been further enhanced by the new Law on Associations, much improvement is still needed to advance civil freedoms. Amnesty International's 2009 Serbia report on human rights defenders (HRDs) highlights the ongoing failure of the authorities "to conduct prompt and impartial investigations into physical attacks and death threats made against HRDs, resulting in impunity for the perpetrators."<sup>6</sup>

Along with HRDs and ethnic minorities, the lesbian, gay, bisexual and transgender (LGBT) population faced physical intimidation, threats, and hate speech during 2009. In September, the Gay Pride Parade in Belgrade, the first since 2001, was cancelled one day prior to the event. Following months of public discussions and threats by extremist groups, the city government feared that police could not provide adequate security for the parade participants and thus banned all public gatherings in the city center during that period. The Serbian government received domestic and international criticism for not publicly condemning the threats of violence or affirming the right of the LGBT population to demonstrate. The State Secretary for Human and Minority Rights, Marko Karadžić, was alone in his public defense of LGBT rights and received death threats, with little reaction from the government. The Belgrade Pride Committee filed an appeal on the parade ban at the Constitutional Court, but by year's end there was no progress in the case.

A wave of violence ensued prior to and after the cancellation of Belgrade Pride 2009, resulting in the death of Bris Taton, a young French national, and a number of brutal assaults against foreigners in Serbia's capital. NGOs and minority parties organized public protests against violence in early October, and groups such as Youth Initiative for Human Rights were active during the year in battling hate speech in the media. Additionally, the state prosecutor submitted a request to the Constitutional Court to ban the most prominent extremist organizations. In October, the Constitutional Court began examining the case.

A coalition of NGOs from the countries of the former Yugoslavia was formed to pressure their respective governments into establishing a regional commission on war crimes and other severe violations of human rights. If successful, this commission would set a precedent as the first multilateral cross-border truth commission worldwide. The coalition plans to organize a petition of a million signatures in early 2011 to be sent to the governments of the countries of the former Yugoslavia, demanding the formation of a regional commission that could serve as an official, independent, and extrajudicial body focusing on the victims of the military conflict in the region between 1991 and 2001. In 2009, the European Parliament (EP) called for an EU-wide day of commemoration (July 11) of the Srebrenica genocide in a resolution adopted by 556 to 9 votes.

During the year, an increasing number of students protested tuition rates. Furthermore, a survey of 4,700 youth, conducted in July by the Center for Free Elections and Democracy and the Ministry of Youth and Sports, indicated that 30–50 percent of citizens in Serbia under the age of 30 would like to live abroad, listing lack of information, employment opportunities, living standards, and poor quality of education as the main reasons.<sup>7</sup> This, however, is a 10 percent improvement from similar research in 2007.

Additionally, numerous worker protests were held in 2009 (some 109 protests occurred in Belgrade in November alone) as a new worker movement began to solidify around two main political goals, decentralization and the fight against corruption, under the umbrella of the Coordination Committee of Workers' Protests (KORP). KORP pushed for a law that would regulate the return of property taken from municipalities and towns by former Serbian President Slobodan Milošević in 1995; this would include, not only land and infrastructure, but also shares in state-owned companies. A number of local governments supported the KORP initiative, and many more are expected to join in 2010.

In early March 2009, responding to pressure from traditional churches and religious communities in Serbia, the government withdrew the draft Antidiscrimination Law from parliamentary procedure. This move was met with sharp criticism from civil society organizations, as well as minority political parties and international institutions. The law, adopted later that month, included inadequate definitions related to discrimination. According to the 2009 European Commission (EC) Progress Report on Serbia, a number of the law's, "exceptions are wider than allowed under European standards, and the rights of NGOs and associations to pursue discrimination before the courts still need to be clarified."

#### Independent Media

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Y u g o s l a v i a				3.50	3.25	3.25	3.50	3.75	3.75	4.00

In Serbia, print media are available throughout the country, cable television is spreading, and foreign programs are accessible through cable and satellite. The rapid expansion of blogs, cable, Internet, and SMS mobile text messaging continued, with the Internet used by around 30 percent of the population. There were no registered cases of restrictions on access to domestic and foreign media in 2009, and foreign magazines are sold freely and extensively.

Although Serbia has a plurality of news sources and domestic and foreign news media, this does not translate into plurality of information. A number of television stations, which are partly or wholly state-owned depend on the whims of the powers that be, whereas independent media outlets, which have been weakened economically by the global financial crisis, depend on advertisers and their interests.

Serbia has three national news agencies: two private and one state-owned. Although the services of all three are inexpensive and would be welcome by media

outlets, most do not have funds available for a subscription, reflecting on the economic standing of most media. Veran Matic of B92 commented in *Eurozine*, “Those media outlets that are run or controlled by the state thanks to its majority stake, often in conjunction with prominent financial oligarchs, enjoy preferential treatment in the form of subsidies, tax allowances, and other benefits...” He continued, “Big business interests confront us with another serious problem—investigative journalism. Any in-depth investigation into how certain businessmen earned their first million, for instance, frequently carries with it the risk that business relations will be severed, contracts broken, and advertising withdrawn.”<sup>8</sup>

Media reforms in Serbia have not been conducted in full compliance with international standards. International Freedom of Expression Exchange’s (IFEX) Media Sustainability Index panel in December 2009 assessed the media situation in Serbia with its lowest mark since the study began in 2001, noting a grave deterioration of the media’s economic and social position as well as high political interference in media activities. Many areas are not yet regulated, such as unlawful media ownership concentration, and there has been a cessation in regulation of cable and satellite distribution and the privatization of media. Decisions taken by the national regulatory authorities for broadcasting, the Republic Broadcasting Agency (RBA), are not transparent, nor is the RBA sufficiently independent in its work. Self-regulation of print media has also failed.

Leading media companies, journalist associations, the International Press Institute, the Organization for Security and Cooperation in Europe (OSCE) Mission in Serbia, and the South East Europe Media Organization (SEEMO) expressed concern that amendments to the country’s Law on Public Information, passed in August 2009, could lead to the introduction of increased self-censorship and even the closure of some media organizations. Likewise, the draft Law on National Minority Councils, also passed in August, is considered by many to be contrary to media laws and is creating additional problems in media privatization and the functioning of the media market. Other important laws, such as the Law on Unlawful Media Concentration and Transparency of Media Ownership and the new Law on Copyright and Related Rights, which would improve the situation of the media, are not yet on the parliamentary agenda although they have been prepared for quite some time.

By amending the Personal Income Tax Law, the parliamentary majority raised taxes on fees, further impoverishing journalists and other media staff. A number of journalist associations in Serbia estimate that, “the Law Amending the Personal Income Tax Law, adopted by the National Parliament of the Republic of Serbia at the end of April, reduced by half, and in many cases completely revoked, standardized tax-deductible expenses in payment of author’s fees to authors and holders of related rights. These changes have an especially adverse effect on media outlets, which due to the characteristics of their business activities conclude numerous author contracts.”<sup>9</sup> By amending the Broadcasting Law in May, the parliamentary majority also gained mechanisms of absolute control over the election of council members of the RBA. All of these media laws were passed without prior public debate.

To ease the economic blows suffered by media, in June 2009 the government passed the Conclusion on Regulatory Measures for Assistance to the Media in Crisis, yet it has failed to put in place the necessary mechanisms to implement these measures. The RBA has somewhat reduced its fees, but without an equal effect on all broadcasters. The results of the competition of the Ministry of Culture for the co-funding of media projects have yet to be disclosed, but these funds are not sufficient to improve the country's media situation.

In June, Serbia's war crimes prosecutor launched a probe into the role of journalists in stoking war crimes during the 1991–1995 wars in the former Yugoslavia. This initiative, “to investigate the role of media in inciting ethnic hatred and encouraging war crimes during the Yugoslav wars of the 1990s could reach people who have since risen to positions of prominence,” suggested the Institute for War and Peace Reporting.<sup>10</sup> The investigation grew out of testimony heard during Belgrade trials on the massacre of 200 Croats at the Ovčara farm near Vukovar in 1991 and the murder of 25 Bosniaks in Zvornik in 1992, when some of the accused said that certain reports from electronic media incited them to commit the crimes.

A number of criminal attacks on journalists occurred during 2009. In January, the automobile of Svetlana Lukić was demolished while she was hosting the radio program *Peščanika* (which has, since its inception in 2007, covered topics of sociopolitical relevance that the great majority of media does not cover, including war crimes, dealing with the criminal past, minority rights, and organized crime); the authorities have not yet investigated all of the previous attacks on others involved in the program. A bomb attack on Radio Television Pink occurred in October. Brankica Stanković, writer of the TV program *Insider*, received death threats after an investigative piece commenting on the powerlessness of the Serbian state in the face of extremist organizations was aired on channel B92. Stanković was put under police protection and received support from a number of political figures, including the president, as well as media organizations, NGOs, and journalist associations. The police detained a number of suspects, but it remains to be seen how the authorities will resolve this case in a climate where attacks against journalists increasingly appear to go unpunished. Meanwhile, the murder cases of three journalists—Slavko Ćuruvija in 1999, Milan Pantić in 2001, and Dada Vujasinović in 1994—also remained unsolved.

#### Local Democratic Governance

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Y u g o s l a v i a				n/a	3.75	3.75	3.75	3.75	3.75	3.50

On November 30, Serbia adopted the draft of the Statute of Vojvodina after five days of heated debate in the national Parliament and exactly 397 days after the statute was passed by the Vojvodina Parliament. The Statute was later proclaimed at a Vojvodina assembly on December 14, and the accompanying law on the province's

jurisdiction was also passed. However, without the Law on Return of Assets to Local Self-Governments, Vojvodina's autonomy is not complete and, as such, not in line with the constitution. Still, the strengthening of the legal framework is underway, including a new law on local elections and laws on the state electoral commission and electoral poll. The Serbian government has to yet to adopt much needed bills on public property and amendments to the law on public debt.

In July, an explosion occurred in a mainly Serb-populated neighborhood of the predominantly ethnic-Albanian town of Preševo, injuring a woman and a child, and damaging a number of apartments. This marked the second serious incident to occur in the Preševo Valley region of southern Serbia in a week's time, following a grenade attack near Bujanovac that injured two police officers. Although key Albanian leaders are now participating in the Coordination Body, the EC reports that problems persist with regard to the integration of Albanians into the public administration and the integration of Serbs into local governments in Preševo and Bujanovac. The situation improved somewhat toward the end of the year. On December 4, an Agreement on the Implementation of Projects (valued at US\$7.9 million) in 13 cities of central and southern Serbia was signed in Bujanovac. Milan Marković, Minister of Public Administration and Local Self-Government and President of the Coordination Body for the Municipalities of Preševo, Bujanovac, and Medveđa attended the signing of the Agreement on Implementation of the Joint Program of the UN Agencies in Serbia and the Serbian Government.

Additionally, the Coordination Body has committed to pay 6 million dinars (approximately US\$90,000) to the municipalities for financial assistance to persons with special needs, single mothers, and orphans. The Serbian government has also undertaken the maintenance of crucial infrastructure investment in the region, despite having to slash budgets due to the global economic crisis. In an interview in *Balkan Insight*, Skender Destani, speaker of the local assembly in Preševo and leader of the Democratic Union of the Valley, reported that 80 percent of the €1 million (US\$964,800) allotted for investment in Preševo in 2009 had come through the Coordination Body and was being invested in infrastructure and roads.<sup>11</sup>

Since the beginning of conflicts in the former Yugoslavia, some 2,000 violent crimes, including murder, kidnapping, torture, and brutal assaults, have been committed against the Bosniak population in Sandžak, according to the Helsinki Committee for Human Rights. Municipal structures lack the capacity to fully enforce minority rights in Sandžak, and as a result, according to the UN Special Commissioner for Human Rights, 60,000–80,000 Bosniaks (from a population of 224,446 as of the 1991 census) have left Sandžak since 1992 due to state terror. Underdeveloped infrastructure, rising unemployment, lack of accountability for crimes committed, and overall demoralization of the population has created the current impasse. Divisions within the Muslim community continued in 2009, and there were several outbreaks of violence. According to data published by the World Bank, the current population of Sandžak is categorized as 'actively poor'.<sup>12</sup> Sandžak, much like other regions in Serbia, is expected to greatly benefit from the passage of a law regulating the state's return of property to local self-governments (expected in 2010).

## Judicial Framework and Independence

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Y u g o s l a v i a			4.25	4.25	4.25	4.25	4.50	4.50	4.50

On December 16, the Serbian High Judicial Council published its selection of 1,531 permanent judge appointments and proposal for 876 new judges to be approved by Parliament. This large undertaking is just one aspect of judiciary reform initiated with the adoption of a new legislative package in December 2008, which included laws on the High Judicial Council, judges, organization of courts, State Prosecutorial Council, and the public prosecution service. These laws are designed to strengthen the independence of the judiciary and bring it closer to European standards.

In April 2009, two new bodies were established: the High Judicial Council and the State Prosecutorial Council, responsible for electing and promoting judges and prosecutors, including defining criteria and implementing a general reappointment procedure. The structure of the High Judicial Council was designed to ensure the fair representation of judges and reduce political influence—apart from the three ex-officio members of the Council, six are judges appointed by Parliament. Although the autonomy of the prosecution service was strengthened by extending the mandate of deputy prosecutors to permanent posts upon appointment by the new State Prosecutorial Council, there are still some concerns. Despite certain improvements under the new legislation, the procedure for the election of public prosecutors and their deputies remains subject to parliamentary influence.

One key controversy and weakness that has been extensively discussed arises from the 2006 Constitution that stipulated that all members of the High Judicial Council be elected, directly or indirectly, by the National Assembly. Many believe this procedure presents a risk of politicizing the appointments, which is of particular concern as the first new High Judicial Council has full responsibility for implementing the reappointment procedure for all judges.

The Law on Seats and Territorial Jurisdictions of Courts, also adopted in December 2008, introduced major changes to the court system to be applied as of January 2010 that greatly reduce the previous number of courts and, consequently, judges. The new Serbian court network consists of 34 basic courts (instead of the previous 138), and as of January 1, 2010, a number of other court functions will be performed by 26 higher courts, four courts of appeal with general jurisdiction, specialized commercial and administrative courts, and the Supreme Court of Cassation. The significant backlog of civil, criminal, commercial, and administrative cases coupled with the inefficient enforcement of judgments, is evidence of the need to streamline court procedures and improve court management systems.

The Serbian Ombudsman's offices, at both the state and provincial levels, saw increased activity in 2009, likely due to increased public awareness of the existence and responsibilities of the ombudsman. During the year, these offices issued numerous opinions and recommendations, visited relevant institutions,

and proposed amendments to legislation. However, the Commission of the EU Communities reported that, “State authorities have not provided all the resources necessary for the offices to carry out their mandates fully, and there has not been sufficient follow-up to the Ombudsman’s recommendations. At the local level, offices have been established in only 11 cities and municipalities.”<sup>14</sup>

The reappointment of judges and prosecutors encountered major challenges. The criteria are not fully in line with the Council of Europe’s Venice Commission’s recommendations and, being difficult to assess in practice, leave room for political influence over the procedure. Furthermore, the extremely short deadline of only five months, which had been set for the reappointment of over 2,000 judges, put the objectivity of the procedure in question and created an opportunity for long-term politicization of the judiciary. Although the Serbian Constitutional Court confirmed the constitutionality of the reappointment procedure in July 2009, following an appeal filed on March 3 by the Serbian Judges Association, the December reappointment decisions of the High Judicial Council left over 700 judges outside the new court system, challenging the criteria and the transparency of the selection process.

In a December 2009 survey regarding the Serbian Office of the War Crimes Prosecutor, 50 percent of those polled gave its work and communications a positive rating, though actual progress on domestic war crimes prosecution and sentencing remained slow.<sup>15</sup> Insufficient financial and political support contributed to the low number of processed cases and final judgments by the Serbian War Crimes Chamber. In mid-December, Serbian media reported on new death threats addressed to Serbian War Crimes Prosecutor Vladimir Vukcević, and other government officials.

The adoption of the Law on Amendments to the Criminal Procedure Code in 2009 again delayed the implementation of the 2006 code, which was postponed for the second time until the end of 2010.

### Corruption

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Y u g o s l a v i a				5.00	5.00	4.75	4.50	4.50	4.50	4.50

In 2009, corruption and economic crime in Serbia remained major issues for public policy. According to a United Nations Development Program (UNDP) poll conducted in October, corruption was the third most concerning issue (after unemployment and poverty) for the citizens of Serbia.<sup>16</sup> This first corruption benchmarking survey used methodology developed by Transparency International (TI) to examine the incidence rates and perception of corruption in Serbia. According to TI’s Corruption Perceptions Index (CPI), Serbia made only minimal progress in 2009, ranking 83 with a CPI score of 3.5, an improvement from 2008 when it shared the ranking 85 with Montenegro, Albania, India, Madagascar, Panama, and Senegal, with a CPI score of 3.6.<sup>17</sup>



The sectors most vulnerable to corruption were public procurement and other large public expenditures, as well as taxation, customs, and licensing. According to the UNDP poll, citizens most often reported paying bribes to secure access to public services to which they were entitled. These findings suggest that Serbia has yet to build a culture of intolerance for corruption and that better legal protection is needed for whistle-blowers, anticorruption activists, investigators, and journalists fighting the systemic aspects of corruption in the country. The same applies to control over conflicts of interest, where a large proportion of public officials still fail to meet their reporting obligations.

According to Predrag Jovanović, Director of Serbia's Public Procurement Office, an estimated US\$137.9 million had not been reported, due mostly to lax use of procurement procedures and processes.<sup>18</sup> The fact that there is no clear plan for implementing the international conventions that have been ratified only further deteriorates the slow and inefficient fight against corruption in Serbia.

Yet there were small victories in the fight against corruption in 2009, including the election of the executive board of the Anti-Corruption Agency by Parliament in April; arrests and prosecution of a number of corruption cases involving oil industry executives and a mayor; bribery investigations of surgeons, university professors, and soccer club managers; and the establishment of internal controls in all law enforcement agencies. Still, the overall processing of corruption cases remained inefficient, with only a few final convictions. The short terms of the special prosecutor and deputies (two years) continue to limit their effectiveness and autonomy.

In addition, in 2009, the Anticorruption Agency was allocated premises, budgetary resources (albeit insufficient), and initial technical and administrative assistance, with plans to be fully operational by January 1, 2010. The Law on the Anticorruption Agency, adopted in October 2008, defined the Agency's operations and responsibilities, such as the implementation of this law and the Anticorruption Strategy.

As an independent body of the government of Serbia, the agency's responsibilities include resolving conflict-of-interest disputes, registering all government officials and their possessions, international cooperation in the fight against corruption, and control of political party financing. This last responsibility is expected to use the legal framework set by amendments to the Law on Political Party Financing that were also adopted in October 2008 but not implemented until October 2009, meaning that, as of October 1, political parties were required to submit expense reports from election campaigns along with their regular financial reports. The agency, however, will only be able to oversee political party reports once it becomes fully operational (after January 1, 2010). Yet, no high hopes are vested in the process since the parliamentary committee, under the current deficient legislation, lacks the power to investigate reports fully or to sanction political parties that fail to uphold their obligation to submit reports.

The effectiveness of law enforcement and judicial authorities in Serbia remained low in 2009. Other independent regulatory institutions—such as the

State Audit Institution, the Committee for the Suppression of Conflicts of Interest, the Anticorruption Council, the Competition Protection Commission, the Public Procurement Office, and the Commission for the Protection of Bidders' Rights—continued to face difficulties in carrying out their mandates due mainly to a lack of resources and inadequate official follow-up to their decisions and recommendations.

■ AUTHOR: SANJA PESEK and DRAGANA NIKOLAJEVIC

*Sanja Pesek is a PhD candidate at the Central European University political science department. She has more than ten years of experience in democracy-building, civil society development, protection and promotion of human rights and transitional justice issues in the countries of former Yugoslavia. Dragana Nikolajevic has extensive experience working with international and multilateral organizations and academic and research institutions on democracy and governance, higher education development, government reform and global health programs. She currently serves as a Principal Policy Analyst at the University of California.*

*The authors owe special thanks to: Bogdan Ivanisevic, Tijana Kojovic, Ivan Zlatić, Aleksandar Popov and Boris Milicevic.*

- 
- <sup>1</sup> Commission of the EU Communities, *Serbia 2009 Progress Report*. (Brussels, 10.14.2009, SEC(2009) 1339), [http://ec.europa.eu/enlargement/pdf/key\\_documents/2009/sr\\_rapport\\_2009\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2009/sr_rapport_2009_en.pdf).
  - <sup>2</sup> "Novi zakon—manji broj partija," [New Law—Reduced Number of Parties], Radio-televizija Srbije, April 4, 2009, <http://www.rts.rs/page/stories/sr/story/9/Srbija/53806/Novi+zakon++manji+broj+partija+.html>.
  - <sup>3</sup> Interview with Boris Tadic, Ready to Rein in the Crisis *Vecernje Novosti*, April 29, 2009.
  - <sup>4</sup> "SNS Take Most Votes in Belgrade," *B92 website*, June 8, 2009, <http://www.b92.net/eng/news/politics-article.php?mm=6&dd=8&yyyy=2009> and "Local Elections in Serbia Bring Together Nationalist Parties," *European Forum for Democracy and Solidarity website*, June 25, 2009, [http://www.europeanforum.net/news/656/local\\_elections\\_in\\_serbia\\_bring\\_together\\_nationalist\\_parties](http://www.europeanforum.net/news/656/local_elections_in_serbia_bring_together_nationalist_parties).
  - <sup>5</sup> *Serbia Needs Assessment Report*, (Belgrade: TASC0, January 2010). [http://tacso.org/doc/06\\_nar\\_sr.pdf](http://tacso.org/doc/06_nar_sr.pdf).
  - <sup>6</sup> "On March 1, 2009, Biljana Srbljanović, a speaker at a Pešćanik meeting in Pančevo, was charged with disorderly conduct after members of the right-wing and nationalist organization *Dveri Srpske* attempted to break up the meeting violently. The manager of the building claimed they had received an anonymous bomb threat during the meeting. None of those who disrupted the meeting were charged with an offense." Amnesty International's 2009 Serbia Report, <http://report2009.amnesty.org/en/regions/europe-central-asia/serbia>, last accessed December 20, 2009.

- <sup>7</sup> “Survey Shows One Third of the Young Population Wants to Leave Serbia,” *Oneworldsee*, July 21, 2009, Young Population Wants to Leave Serbia,” *Oneworldsee*, July 21, 2009, <http://oneworldsee.org/node/18857>.
- <sup>8</sup> Veran Matic, “Serbia: Media Maneuvers in a Wounded Society,” *Eurozine*, March 20, 2009, <http://www.eurozine.com/articles/2009-03-20-matic-en.html>.
- <sup>9</sup> “NUNS, NDNV, ANEM, Local Press: Adopted Amendments to Personal Income Tax Law Severely Aggravate Position of the Media,” *Association of Electronic Independent Media*, May 13, 2009, <http://www.anem.org.rs/en/aktivnostiAnema/saopstenja/story/10707/NUNS,+NDNV,+ANEM,+Local+Press:+ADOPTED+AMENDMENTS+TO+PERSONAL+INCOME+TAX+LAW+SEVERELY+AGGRAVATE+POSITION+OF+THE+MEDIA.html>.
- <sup>10</sup> Institute for War and Peace Reporting, *Serbia Probes Media Role in War Crimes*, June 26, 2009, TU No. 607, <http://www.unhcr.org/refworld/docid/4a4d4bb6419.html> (accessed December 2009).
- <sup>11</sup> *Nikola Lazic* “Skender Destani: ‘Belgrade Has Shown Goodwill To Southern Serbia,’” *BalkanInsight.com*, December 3, 2009, <http://www.balkaninsight.com/en/main/interviews/24141/>.
- <sup>12</sup> “Belgrade Authorities Obstruct Changes in Sandzak, Whereas the Agency for Privatization Fabricates Social Poverty” *The second in the series of workshops carried out under the project “Grassroots Dialogues in Sandzak: Helping to Overcome Divides and Articulate the Region’s True Interests”* Helsinki Committee for Human Rights, June 29, 2009. [www.helsinki.org/rs/doc/2%20workshop,%20entrepreneurships.doc](http://www.helsinki.org/rs/doc/2%20workshop,%20entrepreneurships.doc)
- <sup>13</sup> Objavljen spisak sudija [Published List of Judges], *B92 website*, December 17, 2009, [http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=12&dd=17&nav\\_category=11&nav\\_id=398858](http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=12&dd=17&nav_category=11&nav_id=398858)
- <sup>14</sup> Commission of the EU Communities, *Serbia 2009 Progress Report*. (Brussels, 14.10.2009, SEC(2009) 1339), [http://ec.europa.eu/enlargement/pdf/key\\_documents/2009/sr\\_rapport\\_2009\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2009/sr_rapport_2009_en.pdf).
- <sup>15</sup> Republic of Serbia Office of War Crimes Prosecutor Public Relations Services, “Press Release: War Crimes Prosecutor’s Office Maintains Effective Communications With Serbia’s Citizens,” December 8, 2009, [http://www.tuzilastvorz.org.rs/html\\_trz/VESTI\\_SAOPSTENJA\\_2009/S\\_2009\\_12\\_08\\_ENG.PDF](http://www.tuzilastvorz.org.rs/html_trz/VESTI_SAOPSTENJA_2009/S_2009_12_08_ENG.PDF).
- <sup>16</sup> Corruption is the Third Most Important Issue in Serbia, According to More Than 1,000 Citizens Polled in First Corruption Benchmarking Survey, United Nations Development Program Serbia, December 9, 2009, <http://www.undp.org.rs/index.cfm?event=public.newsDetails&crevid=77DDE6D6-FBD3-5568-E1B1760BB69ED95F>
- <sup>17</sup> *Corruption Perception Index 2009*, Transparency International, <http://media.transparency.org/imaps/cpi2009/> (accessed June 2010).
- <sup>18</sup> Crna zona javnih nabavki 100 miliona evra, [100 Million EUR in Public Procurement Black Zone], SEE Biz website, December 2, 2009, <http://www.seebiz.eu/hr/makroekonomija/srbija/crna-zona-javnih-nabavki-100-miliona-evra,62547.html#ThumbsUp>.

