

Serbia at risk of authoritarianism?

SUMMARY

Among the Western Balkan countries aspiring to EU membership, Serbia is seen as a frontrunner in terms of its democratic institutions, level of economic development and overall readiness for accession. However, in November 2018 opposition politician, Borko Stefanović, was beaten up by thugs, triggering a wave of protests that has spread across the country. Week after week, thousands have taken to the streets, accusing Serbian president, Aleksandar Vučić, and his Serbian Progressive Party (SNS) of authoritarian rule, attacks on independent media, electoral fraud and corruption.

Although the protests only started recently, they highlight worrying longer-term trends. Press freedom has been in decline for several years, particularly since Vučić became prime minister in 2014. A large part of the media is now controlled either directly by the state or by pro-SNS figures. Independent journalists face threats and even violence, and perpetrators are rarely convicted.

In the National Assembly, the governing coalition uses its parliamentary majority to systematically block meaningful discussions of legislative proposals. In protest, the opposition started a boycott of plenary debates in February 2019.

The tone of verbal attacks by SNS politicians and their allies on independent media, the political opposition and civil society is often virulent. Criticising government policy is framed as betrayal of Serbian interests. The aim seems to be to marginalise critical voices while concentrating power in the hands of the SNS-led government. Elected to the mainly ceremonial role of president in 2017, Vučić nevertheless remains the dominant figure.

If Serbia's drift towards authoritarianism continues, it could become a major obstacle to EU accession, for which 2025 has been mentioned as a possible date.



Serbia's National Assembly.

In this Briefing

- Anti- and pro-government rallies spread across Serbia
- Media freedom in decline
- Excessive concentration of political power
- Elections are not fully free and fair
- Judicial reforms are lagging behind
- Civil society under attack
- Serbia's EU accession process

Anti- and pro-government rallies spread across Serbia

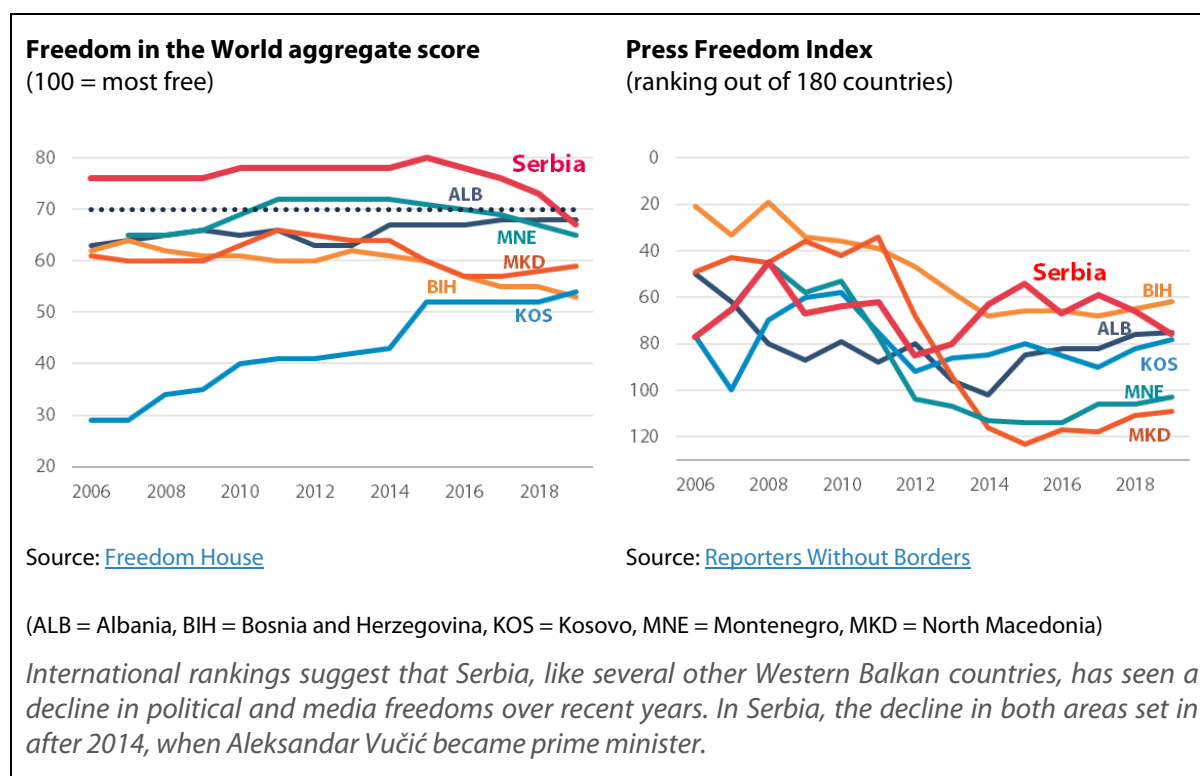
On 23 November 2018, Serbian Left Party leader, Borko Stefanović, and two other opposition activists were [beaten up](#) when arriving at a political meeting in the city of Kruševac. Stefanović was quick to accuse the country's ruling Serbian Progressive Party (SNS) and its leader, President Aleksandar Vučić. The government denied being behind the attack, blaming local criminals, two of whom were arrested soon afterwards. However, fellow opposition politician, Dragan Đilas, rallied to Stefanović's support, [arguing](#) that Vučić was at least indirectly responsible for the violence due to his verbal attacks on the opposition, which have created a 'gruesome atmosphere'.

The incident sparked mass protests in Belgrade on a scale not seen since Slobodan Milošević's 2000 downfall. Every Saturday since 8 December, tens of thousands have taken to the streets in Belgrade and other Serbian cities. After three months, the demonstrations, dubbed 'one in five million' after a dismissive comment by Vučić that he would not listen to protestors' demands even if five million were to join them, show no sign of running out of momentum. Among other things, protestors accuse Serbia's government of autocratic rule, intimidation of the opposition and independent media, election rigging and corruption.

In response, in February 2019 Vučić [announced](#) that he could consider bringing forward parliamentary elections, which are scheduled for April 2020, but opposition leaders argued that the conditions for a free and fair vote were not yet in place. He also launched a 'Future of Serbia' [campaign](#), in which he will personally visit 29 Serbian districts to present his achievements.

The highlight of the president's campaign so far was a huge rally on 19 April 2019 in Belgrade, which the government claims was attended by [150 000](#) – twenty times more than at the previous week's opposition rally. However, official figures should be viewed with scepticism given an apparent tendency to inflate attendance at pro-Vučić events and downplay those organised by the opposition: [aerial photographs](#) suggest that as many as 40 000 took part in Belgrade protests on 13 April, roughly in line with organisers' estimates and far higher than the police figure of 7 500.

Figure 1 – International observers worry about the state of Serbian democracy



In February 2019, US-based NGO Freedom House [downgraded](#) Serbia from the category of 'free' countries to 'partly free', where it joins the other five Western Balkan countries and (alone among EU Member States) Hungary. Freedom House [justifies](#) this status downgrade by 'deterioration in the conduct of elections, continued attempts by the government and allied media outlets to undermine independent journalists through legal harassment and smear campaigns, and President Aleksandar Vučić's de facto accumulation of executive powers that conflict with his constitutional role'.

Freedom of expression is one of the main concerns voiced in the European Commission's [Serbia 2018 Report](#), which notes that no progress had been made over the previous year. [Reporters without Borders](#) goes further, arguing that Belgrade 'utterly fails to meet EU press freedom standards', and recording a steep decline in the country's ranking in the Press Freedom Index, from 66th to 76th out of 180 countries.

Similar trends have been observed in other parts of the region. International rankings suggest that in most Western Balkan countries (Kosovo is the main exception), political and media freedoms have [declined](#) since the mid-2000s. Like Serbia, both Montenegro and Albania have seen mass anti-government [protests](#) recently.

Media freedom in decline

Harassment of journalists is becoming more widespread

According to Reporters Without Borders, Serbia is no longer a safe country for journalists. Although there are no recent cases of journalists being killed in the line of duty, seven were [physically attacked](#) in 2018 and 23 received verbal threats. The house of one reporter investigating local corruption [burned down](#), while another received [death threats](#). Although the police claim they are doing their best to tackle the problem, they are often [reluctant](#) to investigate, and only in a few cases have perpetrators been brought to justice.

For critics, President Vučić – a former information minister under Slobodan Milošević – has not done enough to condemn such violence. Worse, hostile rhetoric by Serbian political leaders may encourage attacks on journalists. For example, it is probably not a coincidence that N1 TV channel was threatened hours after President Vučić publicly [complained](#) that 'authorities are being attacked by N1 television 24 hours a day'. Politicians and pro-government media regularly [accuse](#) critical journalists of betraying Serbian interests. As well as violence and threats, some journalists [complain](#) of legal harassment, for example in the form of lengthy and intrusive tax inspections.

Media ownership concentration results in pro-government bias

Despite a target set in 2011 for the state to withdraw from the media by 2015, some of the most important outlets – such as public broadcaster RTS, whose RTS1 channel is the [most watched](#) electronic media outlet in Serbia, and news agency Tanjug – remain in state hands. Others, such as those controlled by the Novosti group, have been only partially privatised, leaving the state with a substantial stake. Still others have been [bought up](#) by businessmen close to Serbia's ruling SNS party. Such control often results in biased coverage. For example, in the 2017 presidential elections, national channels gave then-prime minister and presidential candidate Vučić [10 times](#) more air time than all the other candidates combined. A similar bias was apparent in coverage of recent protests; infuriated by the refusal of the state broadcaster to present their point of view, demonstrators [stormed](#) the RTS building in March 2019. Many private broadcasters – such as [TV Pink](#), which has the second-largest audience share after RTS – are overtly pro-government. With only a few exceptions, such as CNN-affiliated N1, independent media that are critical of the government have only a limited reach.

In Serbia, there are [over 2 000](#) registered media outlets – more than the market can support. Economic weakness makes the sector vulnerable to political influence. National TV channels rely on [advertising](#) income, and a large part of this comes from government departments and state-

controlled companies. The remainder are heavily dependent on government funding. In both cases, grants are often allocated on an arbitrary and non-transparent basis, with a tendency to favour pro-government media. Dependence on government funding encourages self-censorship and avoidance of critical reporting.

Financial constraints also result in '[tabloidisation](#)', with a tendency to maximise audience share at the expense of high-quality independent journalism, and a reliance on sources such as Russian news agency [Sputnik](#), which provides cash-strapped Serbian media with free content – a potential [channel](#) for Kremlin influence.

Inadequate implementation of media legislation

Many of the above problems reflect weak implementation of Serbia's [legislative framework](#) for the media. Following the country's 2011 media strategy, new laws inspired in part by EU directives defined standards for the media and established mechanisms to enforce them, including a [Regulatory Authority for Electronic Media](#) (REM). However, critics claim that this body is not sufficiently pro-active, and that it [rarely](#) imposes serious penalties, for example, in response to complaints of pro-SNS/Vučić media bias in coverage of the 2016 and 2017 elections. Parliamentary interference in the appointment of its governing council and a lack of control over its financial resources have curtailed its [independence](#) from the government.

Serbia's new media strategy, currently in the pipeline, offers some hope for the future. The quality of the text and the inclusiveness of the drafting process have been praised both by [OSCE representatives](#) and [David McAllister](#) (EPP, Germany) outgoing chair of the European Parliament's Foreign Affairs Committee. However, Serbian journalists [point](#) to the precedent of the 2011 strategy, many aspects of which were subsequently ignored (for example, a requirement to end state control of the media).

Excessive concentration of political power

Political power in the hands of Vučić

According to Serbia's [Constitution](#), executive power is vested in the government, led by the prime minister; the president's role is mainly ceremonial. Vučić served as prime minister twice, from 2014 to 2016, and again (after calling early elections) from 2016 to 2017, when he was elected president. [Vučić](#) himself has pointed out that the constitutional powers he wields as president are 'not even one-tenth' those of the prime minister. His replacement, Ana [Brnabić](#), was an innovative choice, being both the first woman and first openly gay person in the position.

However, in practice Vučić's position as leader of the dominant SNS party gives him [control](#) of the parliamentary majority, and therefore also of the government. Brnabić lacks her own power base and remains a loyal follower of the president. For Serbs, Vučić continues to embody executive power: he is the country's most [popular](#) politician and the one mentioned most frequently in the media; the SNS party list in the 2018 Belgrade local election bore his name; for the 'one in five million' protestors, Vučić is the object of their discontent. In Russia, Vladimir Putin remained the country's undisputed leader, despite the switch of roles with Dmitry Medvedev between 2008 and 2012; Serbia risks going in a similar direction, with constitutional provisions becoming irrelevant compared to the *de facto* power concentrated in the person of Vučić.

Parliament fails to exercise effective oversight

Vučić's Serbian Progressive Party (SNS) is by far the largest single party in the country's National Assembly ([91](#) out of 250 seats), and together with coalition partners and associated parties, it commands a comfortable majority of 160 seats.

Observers including the European Commission, Freedom House and Serbian NGO CRTA agree that the National Assembly is failing to exercise effective oversight. For example, the [CRTA](#) notes several

worrying trends during the current legislature. More and more laws are being passed, with less and less debate. For example, [51 %](#) of legislation was adopted by the urgency procedure – an improvement on previous years, but still an excessively high share, and one which is even higher (70 %) if laws arising from ratifications of international agreements are excluded.

Extensive use of the urgency procedure reflects a packed legislative schedule, partly due to the need to bring large numbers of laws in line with EU standards. However, no such justification applies to the government and parliamentary majority's systematic abuse of parliamentary procedures to obstruct debate (a practice known as filibustering). In December 2018, the government bundled together the 2018 Budget Law with [over 60](#) other legislative proposals as a single agenda item, and parliamentarians from the governing coalition tabled hundreds of amendments, subsequently withdrawn, leaving no time for substantive discussions.

The government maintains a near monopoly of legislative initiatives, tabling [97 %](#) of laws adopted since 2016, compared to 62 % between 2005 and 2010. Parliamentary questions to members of the government, as well as hearings, have become a rarity. There have been no plenary debates on the reports of independent bodies, such as the ombudsman and data protection commissioner, since 2014; as a result, recommendations by those bodies are now less likely to be taken into account in new legislation.

Public hearings can help the National Assembly to improve the quality of its work by giving stakeholders an opportunity to express their views. However, they too have become increasingly infrequent; whereas the number of hearings held averaged around 15 per year during the 2011-2015 period, since 2017 there have been only two.

Meanwhile, the share of parliamentary committees chaired by opposition members fell from 50 % in 2008 to 20 % in 2014, and just [5 %](#) in 2019. Frustrated at their exclusion from meaningful participation in parliamentary work, in February 2019 [55](#) out of 88 opposition parliamentarians decided to [boycott](#) the National Assembly and have since stopped participating in plenary debates. European External Action Service spokesperson, Maja Kocijancic, [criticised](#) the boycott, pointing out that 'the Parliament is the place where debates should be held'. Her comments echo those of EU High Representative, Federica Mogherini, and EU Enlargement Commissioner, Johannes Hahn, on a similar parliamentary boycott in [Albania](#), that 'the Parliament is the place where reforms and relevant developments should be discussed and taken forward, not boycotted'. However, Serbian opposition parliamentarians stand by their actions, [emphasising](#) that they continue to fulfil their constitutional roles by establishing a 'parallel parliament' in the hall of the National Assembly.

The opposition is increasingly weak

Weak and divided, Serbia's opposition has not benefited from the current wave of public protests. Although opposition politicians play a [prominent role](#) in 'one in five million' demonstrations, massive public support reflects [grassroots discontent](#) with Vučić than support for his rivals. In February 2019, the opposition [Alliance for Serbia](#) coalition leaders signed an [Agreement with the People](#) in response to the protests, but their text offers few new ideas. With the political leanings of Alliance parties ranging from left-wing to far-right, there is no clarity on which policy changes would come with a future government led by them. In opinion polls from the same month, a mere [15 %](#) of respondents declared an intention to vote for the Alliance, compared to around 50 % for Vučić's SNS, not including its current coalition partners. Even among protestors, fewer than half [identify](#) with any of the opposition parties.

Elections are not fully free and fair

OSCE/ODIHR observers at the [2016 parliamentary](#) and [2017 presidential](#) elections – won respectively by the SNS-led coalition and Vučić – concluded that both polls offered voters a genuine choice of candidates. However, they also noted 'credible allegations' of practices such as vote-buying (in the form of offers of free food and health care, or a ['Bulgarian train'](#), in which voters are

bribed to cast pre-prepared ballot papers); there were also concerns about the accuracy of voter lists. Observers from Serbian civil society noted similar problems during the March 2018 [Belgrade City Assembly](#) elections and December 2018 local elections in [Lučani](#). Public trust in electoral processes has been correspondingly undermined: in an October 2018 [survey](#), 33 % of respondents believed that severe irregularities had at least occasionally compromised election results.

Given that the results of the 2016 and 2017 elections were broadly in line with opinion polls, irregularities on the day of the vote are likely to have had only a marginal effect. A bigger concern is abuse by Vučić and his party of their dominant position in the then pre-election period. Apart from the media bias already mentioned, there were also cases in which SNS incumbent candidates abused administrative resources and their official functions for campaign purposes (for example, hosting SNS campaign events on municipal premises, or distributing campaign leaflets during official visits by government ministers). Some civil servants and private-sector employees were reportedly pressured to take part in SNS rallies. The frequently used power to call early elections with just 45 days' notice (as happened in 2014 and 2016; now, Vučić [says](#) he is considering a further snap poll in June 2019), gives incumbents a further advantage. OSCE/ODIHR reports note that most of their previous recommendations, designed to address such issues, have not been followed.

Judicial reforms are lagging behind

Critics of Serbia's legal system, including [judges](#) themselves, argue that it is failing to deliver effective justice. Political interference and underfinancing are among the many problems. There is a huge backlog of cases, some of which drag on for years or are never heard due to exceeding the statute of limitations, resulting in [impunity](#).

The European Commission's 2018 [report](#) on Serbia notes some improvements; though the judiciary is still inefficient, its 2018 budget has increased nearly 9 % year-on-year. EU [funding](#) (€93 million for the rule of law in Serbia since 2006) has helped to clear some of the backlog by bringing in extra administrative staff. Other issues require deeper changes. Under Serbia's 2006 [Constitution](#), most members of the High Judicial Council, which oversees judges and courts, are elected by the National Assembly – an arrangement the Council of Europe's Venice Commission [described](#) as 'a recipe for the politicisation of the judiciary'.

[Reforms](#) undertaken as part of the country's EU accession process aim to make courts more independent. Constitutional amendments submitted to the National Assembly in November 2018 envisage changes to the composition of the High Judicial Council. However, the proposed changes are highly contested, with [judges](#) and [civil-society organisations](#) arguing that the constitutional amendments proposed by the Ministry of Justice do not fully address the issue of judicial independence; even if fewer members of the Council are now elected by the National Assembly, in practice the parliamentary majority still retains considerable influence over it.

Judicial independence also has to do with political culture. Serbian politicians habitually [comment](#) on ongoing cases and criticise the work of the courts – a practice that looks set to continue, regardless of constitutional changes.

Civil society under attack

Serbia has a vibrant civil society. As of April 2019, there were over 32 000 [registered associations](#), a number that is growing by around [1 500](#) a year. There is a strong culture of grassroots protests – examples include not only the current 'one in five million' anti-Vučić demonstrations, but also a ['Let's Not Let Belgrade Drown'](#) campaign contesting a waterfront development plan in Belgrade, ['Mums Rule'](#) marches protesting cuts in child benefits, and a rally against corrupt local politicians in the town of [Požega](#).

Despite this, many conditions in Serbia are not favourable to civil-society activism. One problem is the lack of an adequate legal framework. A [national strategy](#) for civil society development has been stuck in the pipeline for several years, with most posts on the strategy's [website](#) dating from no later than 2015.

Government funding comes in the form of grants (in the 2019 [budget](#), around 124 million dinars, around €1 million) or payment for social services provided by civil-society organisations. [Problems](#) faced by Serbian NGOs include unclear criteria for the awarding of grants, non-transparent decisions for the awarding of government contracts, and lack of stable financing.

As mentioned above, important legislation is often adopted by the urgency procedure, giving civil-society organisations little time to provide input. Critics claim that government departments, when they carry out consultations, often regard them as a formality and do not take stakeholders' suggestions on board; an example was the Ministry of Justice's consultation process on the proposed constitutional amendments mentioned in the previous section. In October 2017, professional associations and civil-society organisations [withdrew](#) from consultations, arguing that their concerns about judicial independence were not being listened to.

Worse, civil-society organisations that are critical of the authorities come in for the same kind of harassment as independent media and opposition politicians. In 2018, a representative of the Security Intelligence Agency – Serbia's equivalent of the CIA – [warned](#) that some NGOs played a subversive role and channelled foreign influence. SNS politician, Vladimir Đukanović, made similar [claims](#) against the Belgrade Centre for Security Policy think-tank, which has also been [threatened](#) in anonymous letters. Pro-government media frequently [accuse](#) US philanthropist, George Soros, of using Serbian NGOs to destabilise Serbia, for example in the Belgrade anti-waterfront development demonstrations, which received [negative coverage](#). At least in this latter case, courts ruled in favour of protestors, awarding them 510 000 dinars (€4 300) against The Informer tabloid for defamation.

Serbia's EU accession process

Serbia is one of five [candidate countries](#) for EU membership, and together with Montenegro and Turkey, one of three to have started accession talks with the European Union. So far, it has opened talks on 16 of 35 negotiating chapters, and two of these have been provisionally closed. The EU's February 2018 [strategy](#) for the Western Balkans suggests that Serbia and Montenegro are frontrunners in the enlargement process, and could potentially join by 2025.

The European Commission's April 2018 Serbia report highlights several positive areas: in particular, progress towards a functioning market economy, an improving macroeconomic situation and efforts to align national legislation with EU law. Nevertheless, if Serbia wants to meet the 2025 target

Serbia's GONGOs

Serbian NGOs [accuse](#) the government of setting up GONGOs (government-organised non-governmental organisations). In the consultation on constitutional amendments, around 40 civil-society organisations expressed their support for the Ministry of Justice's proposals; many of these groups could not be found in the register of associations, suggesting that they had been created specifically for the purpose of simulating civil-society support for the government's position. In 2016, similar [claims](#) were made about the organisers of a counter-protest defending the government's position against journalists and activists denouncing a purge at regional state broadcaster RTV.

for EU membership, two major issues need to be resolved. Firstly, it needs to [normalise](#) its relations with Kosovo, something that will probably require recognising its former province as an independent state, or at least withdrawing its objections to other countries doing so. Secondly, it will need to show greater commitment to democratic values. Addressing both these issues will require major concessions from Belgrade.

The political will to do so will be limited, given that public opinion is divided. A government [survey](#) from December 2018 suggests that a narrow majority (55 %) would vote in favour of EU membership, compared to pre-2010 figures of 60-70 %; a second [poll](#), also from 2018, suggests that support for the EU is far lower in Serbia than other Western Balkan countries, and that only a small minority believe that accession is likely to happen by 2025.

European Parliament position: the EP [resolution](#) of November 2018 on the European Commission's Serbia report welcomes Serbia's continuing commitment to integration with the EU. Several positive developments are mentioned: courts are working on reducing the backlog of old legal cases; the Serbian Parliament is using the urgency procedure for legislation less often; and a working group has been established to draft a new media strategy.

At the same time, there are numerous concerns. These include: political influence over the judiciary; the failure of the parliament to effectively monitor the executive; filibustering practices in parliamentary debates; slander and libel against opposition politicians; the need for more effective public consultation, including on current proposals to amend the Constitution and other important legislation; threats and violence against journalists, as well as administrative harassment; negative campaigns against some civil society organisations.

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