

Recent regional developments in human rights and democratisation in South-East Europe during 2019

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Abstract: *The region of South-East Europe (SEE) continues to be marked by competitive authoritarian regimes. This article employs a dynamic understanding of competitive authoritarianism that places the emphasis on a movement of a regime towards or away from either ends of the imagined consolidated democracy-authoritarian regime spectrum. More precisely, the article highlights strategies used by the parties in power to increase the control in society and thus consolidate political power, while also paying attention to contestations that arise against these negative trends in four countries of the region: Serbia, Albania, Bosnia and Herzegovina and North Macedonia. The general findings reveal that the region is experiencing a continued trend of democratic backsliding in 2019. Two main structural reasons behind this seem to be (i) weak democratic institutions; and (ii) autocratic-minded political leaders, who tend to increase their power. As the contributions demonstrated, in 2019 ruling parties (or coalitions) in the region tended to increase control over media, continued to show disregard for the human rights of minorities and vulnerable groups, while also taking advantage of the ill-functioning judiciary unable to prosecute high-level cases of corruption. These negative trends resulted in a rather bleak democratisation impulse in the region, despite the larger scale citizen mobilisations against increased authoritarianism present in several countries.*

Key words: *competitive authoritarianism; political control; protests; democracy; human rights*

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1 Introduction

The region of South-East Europe (SEE) continues to be marked by competitive authoritarian (CA) regimes that combine ‘democratic formal procedures’ while ‘conserving an “un-democratic” regime core’ (Kmezic & Bieber 2017: 5). In this sense, these regimes can be observed as existing on a spectrum between consolidated democracies and authoritarian regimes (Bieber 2019; see also Levitsky & Way 2010). Interestingly, they are not necessarily moving in a democratic direction, as was expected by those ascribing to the democratic transition paradigm, but rather are following diverse trajectories (Levitsky & Way, 2010; Bieber 2019). Along these lines, Bieber (2019) proposes a dynamic understanding of the concept, such that in a given time frame, the regime in question can move towards or away from either end of the imagined consolidated democracy-authoritarian regime spectrum. This understanding is followed here as it allows one to account for both positive and negative developments – while keeping in mind the overall positioning – with regard to human rights and democracy in the region. Furthermore, it allows, at least to an extent, to disentangle the specificities of each government, rather than subduing them all in a grey zone of hybrid regimes.

This article examines the dynamic processes taking place in four competitive authoritarian regimes in the SEE region: Albania, Bosnia and Herzegovina, North Macedonia and Serbia. It highlights the strategies used to increase the control in these societies, thus consolidating the power of the ruling parties, while also paying attention to contestations that arise against these negative trends. In this regard, it may be argued that in 2019 the overall trend in the SEE was pointing more towards democratic backsliding than towards democratisation. According to the Freedom House reports, three countries of the region – Albania, Montenegro and Serbia – had their democratic scores downgraded; Bosnia and Herzegovina maintained its rather low (lowest in the region) ranking. North Macedonia and Kosovo advanced slightly in comparison to 2018, while both remained in the category of transitional or hybrid regime (Freedom House Report 2020). The reasons behind this general trend in SEE are multiple, but the common conditions include ‘(1) institutional weakness that provides insufficient democratic safeguards; and (2) authoritarian political actors who utilise these weaknesses to attain and retain power’ (Bieber 2018: 338). Thus, even though ‘tools and instruments [of control might] differ’ from country to country (Bieber 2019), a common repertoire of strategies used by the SEE strongmen in 2019 included increased control over media, often resulting in ‘polarisation between the government and the opposition’ (Bieber 2019) due to playing field being ‘heavily skewed in favour of incumbents’ (Lucas & Wey 2010: 5); ill-functioning judiciary, marked by the inability to process (high-level) cases of corruption and

similar malversations; and the neglect of the human rights of vulnerable groups such as migrants, minorities and the youth.

Therefore, the current situation in SEE can best be summed up by the term ‘autocrat[s] in a democratic system’ (Bieber 2019: 5). However, these increased authoritarian tendencies in the region did not go by without contestations by citizens and the opposition which aimed to push out the autocrats from, at least partially, the democratic system. In several countries of SEE, the citizens took to the streets to manifest their dissatisfaction with corrupt elites, unfair election practices, controlled media, and the overall move towards authoritarianism (Kadovic 2019). Even though in many instances these protests were against authoritarian tendencies, due to the multiplicity of actors participating in them and their diverse demands, it cannot simply be concluded that their overall aim was greater democratisation. Nevertheless, protests remain an important strategy for demonstrating dissatisfaction with the current state of affairs. The fact that not all actors are on the same page as to what the alternative should look like is a different story. In line with this, the selected four country cases that follow illustrate these dynamics as well as the overall regional trends, highlighting major developments with regard to human rights and democracy in SEE during 2019.

2 Serbia: Consolidating the power of one party and one man

In 2019 the political and social life in Serbia was marked by populist rhetoric, a lack of democratic dialogue and political interference in all spheres of political life. This came to represent the *modus operandi* of the ruling Serbian Progressive Party (SNS) (in its seventh year in power) and its leader, current President and former Prime Minister, Aleksandar Vucic. President Vucic is a good example of an ‘autocrat in a democratic system’ due to the tendency to concentrate power in the positions he is holding. Therefore, it comes as no surprise that democracy and human rights continued to erode under the SNS-led coalition in 2019. The persistent hold on the social and political sphere was best evidenced in the increasing attacks on journalists, thus restricting media freedom. Judges and prosecutors were also attacked, thus weakening the institutions in charge of the rule of law and justice. This, together with attacks on civil society activists and human rights defenders, points to clear authoritarian tendencies in the country. On a positive note, this trend was met with resistance, as 2019 was also a year of large civic mobilisations that were the expression of many grievances produced by the ruling coalition. Week after week, thousands of protestors across the country were demanding the creation of a more democratic political environment. On the other hand, the international community chose not to become seriously involved in these events that were seen as a domestic political problem. Moreover, a lengthy EU accession process and uncertainty of its outcome affected

the public support to Serbia's European Union (EU) integration. Finally, the events of 2019 raised serious concerns over the country's increasing move towards authoritarianism that can be tracked through the events and tendencies presented below.

2.1 Consolidating power through increased political control

One of the biggest issues arising in 2019 was the stifling of media freedom in Serbia. This was noticeable through the intimidation and attacks on journalists, primarily by the government and the ruling SNS party, the lack of transparency of media ownership and the oversized role of the state in the country's media sector. In the period between January and late July, the Independent Journalists' Association of Serbia (NUNS) registered 27 incidents of violence, threats or intimidation against journalists, including eight physical attacks and 19 threats (The Human Rights Watch, Serbia/Kosovo 2020). An especially frequent target of harassment was the N1 television and its staff even reported having received death threats (Zivanovic 2019). At the same time, unbalanced media coverage and a large volume of fake, misleading or unverified news represented another concern. Accordingly, Freedom House downgraded its assessment of Serbia's media environment, from 'free' to only 'partially free' (Freedom House, Serbia 2020). These developments seriously undermined the ability of citizens to meaningfully participate in the democratic processes (US Department of State 2019).

Besides exerting control over the media, the SNS-run coalition has done little to act on its promise of eliminating corruption. In the course of the year, national and international experts and monitors assessed that the Anti-Corruption Agency did not thoroughly investigate dubious political campaign contributions. This was confirmed in the 2019 European Commission report stating that the country has made limited progress in its fight against corruption (EC Report 2019). Subsequently, Freedom House downgraded the country's political pluralism and participation score (Freedom House 2020). Furthermore, between March 2018 and May 2019 the Republic Public Prosecutor's Office reported 255 corruption-related convictions through trial and 530 convictions based on plea agreements (US Department of State Serbia 2019). Hence, corruption remains a pervasive practice in the system and the government has not been keen on the necessary reforms.

Over the years the EU has been the main driving force for a variety of reforms and positive democratic changes in Serbia. Although its citizens had great expectations that the EU integration process would facilitate the fast establishment of the rule of law and consolidation of democracy, in the course of 2019 only limited progress was made in this area. Political interferences and a lack of judicial autonomy continued to be one of

the main obstacles to good governance in Serbia. Especially dangerous were the attacks and criticisms of judicial professionals, which gained in intensity in 2019 and gravely undermined the principles of the rule of law and the independence of the judiciary. Even though Serbia's officials have been describing the EU accession as the state's strategic goal, this process slowed down noticeably, with the country opening only two additional negotiating chapters in 2019, raising the question of Serbia's pro-European course (Belgrade Centre for Human Rights 2019).

While Serbia has established the legal and institutional framework for human rights and the protection of minorities, nationalism, xenophobia and intolerance still dominate its value system (Kmezic 2019). In the context of the EU-Serbia relations an important segment is the signing of an agreement on border management in order to help tackle illegal immigration and further enhance security at the EU's external borders (EU Press Release 2019). Consequently, various press and humanitarian reports have indicated that Serbian authorities have pushed back irregular migrants without screening them to establish whether they were seeking asylum. According to reports provided by the UN Refugee Agency (UNHCR) field staff and partners, in the first half of 2019 there was a 350 per cent increase in apprehensions, compared to the previous year (US Department of State, Serbia 2019). In addition, according to information attributed to the Ministry of Interior, 1 186 denials occurred at the Belgrade Nikola Tesla Airport alone, representing a significant increase, compared to 771 denials in 2018 (US Department of State, Serbia 2019).

Contrary to the adopted anti-discrimination legislation, inter-ethnic tensions continued during 2019. Ethnic Albanians were subjected to discrimination that was strongly correlated with developments in the country's dialogue with Kosovo. They were exposed to hate speech that was used publicly by state officials such as Defence Minister Aleksandar Vulin and the director of the Office for Kosovo and Metohija, Marko Djuric (US Department of State, Serbia 2019). In April, rightists gathered in front of an Albanian-owned bakery in Borča, after photographs of the owner's cousin making a hand gesture associated with Albania were spotted on Facebook, demanding that the authorities shut it down (US Department of State 2019). Moreover, a group of 50 rightists named Zavetnici was stopped by police in their attempt to disrupt the Mirëdita/Good Day Festival – promoting Kosovo culture (Zoric 2019). Besides Albanians, another group that experienced attacks were members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community. Additional concern was articulated in 2019 regarding inadequate protection against discrimination based on sexual orientation and gender identity in all realms of public life. According to the non-governmental organisation (NGO) Let It Be Known, the number of attacks against the LGBTI population in 2019 was 30 per cent higher than in the previous year. Of 42 cases that were reported, 33

were qualified as criminal offences, five were instances of discrimination, three were a combination of a criminal offence and discrimination, and one was a case of hate speech (US Department of State, Serbia 2019). In many cases, these incidents have not been properly investigated and the perpetrators have not been brought to justice.

2.2 Resistance of ‘1 in 5 million’

Even if the climate of fear among citizens was produced by the regime through its populist rhetoric and persistent warnings that the security of the state was jeopardised, it also led to a large-scale civic resistance. The most energetic expression of civic activism during 2019 was the ‘1 of 5 million’ movement that demanded a more even political playing field, in line with basic democratic norms, as a necessity for genuinely free and fair elections. Since December 2018 and throughout 2019, tens of thousands of people, in around 50 Serbian cities and towns, have taken part in Saturday marches under the slogan ‘No More Bloodied Shirts’, following a violent attack on an opposition leader, Borko Stefanović. Afterwards, President Vucic infamously declared he would not give in to protesters’ demands even if five million were to gather, after the first organised rally in December, the protesters named their mobilisations ‘1 of 5 million’ (Srebotnjak 2019). In these protests, the citizens of Serbia were raising their voice against ‘violence, injustice, the throttling of freedoms, and destruction of institutions, demeaning of democratic practices and media persecution’ (Pescanik 2019). At the beginning, with a few exceptions, the protests were generally peaceful and incident free; however, they escalated in March 2019 when protesters in Belgrade stormed the headquarters of the Serbian public broadcaster (RTS) to draw attention to its biased coverage. The protestors were forcibly ejected from the RTS premises by the police that used disproportionate force (Freedom House 2020). Afterwards, on 13 April, the most immense protest was organised in which tens of thousands of citizens gathered in Belgrade from across Serbia. Yet, weak and divided, Serbia’s opposition has failed to benefit from this. Subsequently, the protestors began to lose interest and motivation, although a small group kept going in Belgrade until the end of the year (Belgrade Centre for Human Rights 2019). Finally, this ray of hope for change was dimmed due to the COVID-19 outbreak.

In terms of the overall quality of democracy, with the EU accession process at a standstill, it is indisputable that Serbia has experienced democratic backsliding in 2019. Social and political circumstances were not conducive to progress in the realisation of human rights. The institutions and mechanisms established to protect citizens and public interest represented just a façade serving to advance ruling elite interests. This was the result of the increased centralisation of power in the hands of one branch of government – the executive. Therefore, long-lasting concerns

over political control, media freedom, the fight against corruption, the lack of advancement in the rule of law and EU integration remained and led to a loss of public trust in democratic processes and those leading them. For these reasons, and in view of the events of 2019, Serbia has moved in the direction of authoritarianism. Similar issues were also present in Albania, although some specificities will emerge, as the following part demonstrates.

3 Albania: Political turmoil and a questionable democratic legitimacy

Albania, much like Serbia, experienced a number of democracy and human rights setbacks in 2019. The publication of the wiretaps scandal in February related to the implication of high officials of the ruling Socialist Party (SP) in criminal activities, and vote-buying set in motion what was to become a serious political crisis. The culmination of the scandal was marked by the decision of the opposition parties to relinquish their mandates in Parliament (Erebra 2019a). This slowed down many EU reforms and consequentially many Albanians felt unrepresented by the remaining members of Parliament. More importantly, the absence of the opposition from the democratic processes continued in June, when the municipal elections took place. This has put Albania's democracy to a serious test. Despite all this, 2019 also entailed some positive progress with regard to judicial reform, as 2019 was hailed the year of 'new justice'.

3.1 To vote or not to vote, now is the question

On 30 June municipal elections were held in Albania. Prior to the elections, a series of wiretaps published by the German newspaper *Bild* demonstrated the 'extent of the vote buying activity by the Socialist Party' in the 2017 elections (Erebra 2019b). The leaked taped conversations implicated not only state officials – members of Parliament, ministers, and Prime Minister Edi Rama himself – but also some criminal groups. One part of the opposition, led by the Democratic Party, called the citizens to the streets and thousands joined in protests against the ruling party and its criminal associates (RFERL 2019).

The numerous opposition-led mobilisations, which took place throughout the year, resulted in the refusal of the opposition parties to participate in the municipal elections and an increased polarisation between the SP-led coalition and those in the opposition. According to the ODIHR report (2019b: 1), the decision of opposition parties to boycott elections implied that 'voters did not have a meaningful choice between political options'. Consequently, 'in 31 of the 61 municipalities mayoral candidates ran unopposed' (ODIHR Report 2019b: 1), while in 60 municipalities out of 61 that exist in the country, the Socialist Party

majority established its rule (US State Department, Albania 2019). When this is coupled with a very low participation in elections, with only 21 per cent of citizens voting, the questions about regimes legitimacy begin to emerge. Although the elections were disputed, they were recognised, and the Socialist Party took control over both the central and local government. The lack of a meaningful choice in the local elections has put democracy in Albania into question.

3.2 The year of justice?

Judicial reform, a process that started in 2014, was adopted in 2016 by the Albanian Parliament. That moment was considered historical for further democratisation and strengthening of the rule of law. It consisted of further separation of the judiciary from the executive, a more citizen-oriented legal aid system and ensuring that the young generation of judges and prosecutors is ready to take over in a few years' time. Also, a five-year vetting process which started to effectively operate since 2017 was continued. The judicial reform was considered successful (on paper) and was widely appraised by the international partners, while in practice the goals have hardly been achieved. The vetting process of judges and prosecutors has resumed even when it was followed by contestations by persons dismissed on account of subjective evaluations. Citizens have played an important role in the progress of this process, through the filing of complaints with the vetting bodies and the International Monitoring Operation (IMO). Their cooperation in the vetting process was assessed as pro-active, an indicator of their confidence in its results (Helsinki Committee in Albania Report 2019). The planning of filling the positions of the dismissed judges after the vetting was clearly not thought through. Consequently, at the end of 2019 only three vacancies were filled in the Constitutional Court, even though the process run parallel with political debates between the President and the Parliament for the second vacancy, thus allowing this institution to function.

On 19 December the long-awaited Special Anti-Corruption Structure (SPAK), mandated to investigate corruption and organised crime at the highest levels of government and society in Albania, became operational. The independent judicial body raised hopes that the judicial system would begin to operate more efficiently. Nevertheless, the acquitting judgment in the case of the former Minister of Interior accused of drug trafficking was a disappointment for many (France 24 2019). Overall, Albania continued to face setbacks in the area of the rule of law. Justice and independent judiciary remain 'wanted' in the country, while the political leadership continued to represent a constant risk to undermining the results of the reform.

Meanwhile, as part of a judicial reform the Albanian Council of Ministers approved a series of amendments known as the 'anti-defamation package'

(COE, Media Alert 87 2019). On the proposal of the Council of Ministers Parliament adjusted two laws to empower the Albanian Media Authority (AMA) and the Authority of Electronic and Postal Communications to hear complaints about news websites. The newly-formed media bodies have the right to demand retractions, impose fines and suspend the activities of all news websites in the online media (Ombudsman, Report 2019). The law raised many concerns as ‘critics say [it] grant[s] the nation’s top media regulator too much power’ (Kostreci 2019). Reporters without Borders (RwB) agreed with different international and local stakeholders ‘that this package would be detrimental to freedom of expression online’ (RwB 2019a).

3.3 Fight for democracy and human rights

The beginning of 2019 was marked by a series of street protests by Albanian students, opposing the high tuition fees while requesting better living conditions and involvement in the decision-making processes at universities. Thousands of students across Tirana boycotted lessons and marched from their faculties towards the Ministry of Education, Youth and Sports building, demanding the Minister to re-examine the decision. Some of the slogans read ‘Be a voice, not an echo’, ‘Albanian youth like European youth’, ‘Students are coming’. For the first time in 28 years this protest was not politicised or hijacked by the political parties. The government reorganised the cabinet, replaced the Minister of Education and repealed the law that had increased the tuition fees. Tuition fees were cut in half for all students for the next academic year and the government announced that it would continue to help excellent students through a monthly salary, and employment in the administration (Albanian Newsroom, 2019 in IBNA), which can be seen as a major success of the protests.

Apart from the students, another group that was taking to the streets for their rights were the members of LGBTI community and their supporters, as another Pride Parade took place in the capital city. The members of LGBTI community remain very stigmatised and discriminated against in Albanian society (Taylor 2019). In 2019 legislation against discrimination was drafted, together with public discussion about LGBTI rights, resulting in the establishment of a solid and active community for protecting such rights and ending with the drafting of an action plan with specific tasks for each institution (Ombudsman report 2019). As in most major cities of the world, over 300 people marched in Tirana to celebrate Pride 2019. One of the organisers in her speech said that this was the best Pride ever because there were so many young people from the community showing their pride and need for freedom, as well as raising their voices. ‘It is a new era, not only for LGBTI people, but also for Albanian society’, she mentioned (Taylor 2019). Notably in the protest, only one person was

seen with a face covered to hide their identity, compared to previous years where the number was much higher (Taylor 2019).

Lastly, the persistent political scandals, implicating high officials of the ruling party in criminal actions, such as electoral fraud, negatively influenced the possible democratisation of the country and likewise slowed down Albania's progress in terms of EU integration. Furthermore, the legitimacy of the democratic processes in Albania was put in serious question bearing in mind that the opposition parties boycotted municipal elections, thus leaving the ruling coalition to run almost unopposed. When these events are coupled with increased control of media freedom, something ushered in with the controversial anti-defamation package, it becomes clear that Albania, just as Serbia, moved in the direction of the authoritarian end of the spectrum. Nevertheless, some progress was made in 2019, especially with regard to judicial reform, where the creation of SPAK represents a positive step towards fostering citizens' trust towards the judiciary. Besides this, the student protests once again that the citizens will not silently give up the rights and democratic standards that they have so far enjoyed, something that will remain missing in the case of Bosnia and Herzegovina, where the prolonged *status quo* seems to have exhausted much of the protest potential in the country.

4 Bosnia and Herzegovina: *Status quo* continues

The year 2019 was challenging for Bosnia and Herzegovina (BiH) in terms of human rights and democracy developments. On the one side, the country held its first Pride march losing the status of the only ex-Yugoslav country without one, thus giving space to LGBTI persons to express their dissatisfaction with the treatment and rights they do not have, as they still face discrimination and human rights violations daily. Additionally, another positive development was the case of *Irma Baralija v Bosnia and Herzegovina*, before the European Court of Human Rights (European Court), where the applicant filed a complaint about the inability to vote in the municipal elections for 11 years in Mostar, as the elections had not been held since 2008.

On the other side, some devastating facts still push the country far below the line of respecting human rights and democracy, especially considering that this year will be remembered as the year in which the state government was not formed even a year after the parliamentary elections. Corruption, scandals and irregularities in the judiciary marked 2019, which once again showed how unstable one of the key institutions for the democratic functioning of the state is. Furthermore, the government showed a clear inability and unwillingness to properly respond to and handle the migration while there were thousands of people heading through the country as part of the route to the European Union (EU). Hate

crimes and hate speech against specific groups, especially minorities, were almost daily events, showing how the country has again failed to deal with discrimination on various levels. Journalists faced political pressure as well as harassment, threats and assaults in the course of their work.

4.1 Democracy in Bosnia and Herzegovina

The issue of a poor judiciary system seriously affects Bosnia and Herzegovina's path towards the EU and its democratic ranking. One of the most significant portrayals was the scandalous affair *Potkivanje* (literally translated as 'calking') investigated by the *Žurnal* magazine, stating that the President of the High Judicial and Prosecutorial Council, Milan Tegeltija, had accepted a bribe to expedite a court case. However, the disciplinary prosecutor decided that he was not responsible as there was no evidence (*Žurnal* 2019). This is only one of the numerous cases of high-level corruption that, for the time being, remain without proper sanctions. In the first half of 2019, 409 investigations were conducted in prosecutor's offices due to corruption crimes, which is less than 4 per cent of the total number of investigations (BHRT 2020). The decades-long absence of judicial reform did not take place during this year, and citizens' trust in the judiciary declined (Freedom House 2020).

Restrictions of the freedom of media and independent journalism continued, somewhat more in the entity of the Republic of Srpska (RS) than in the Federation of BiH, where the entity public broadcaster RTRS serves the interests of the long-ruling nationalistic SNSD party, broadcasting news to support the ideas the official party endorses exclusively. Journalists face political pressure as well as harassment, threats and assaults in the course of their work (Freedom House 2020). In 2019 the Association of 'BH Journalists' recorded 56 cases of violations of journalists' rights, including nine cases of physical attacks, 21 threats, of which eight death threats and ten cases of political pressure (Safe Journalists 2020). Attacks on journalists are attacks on freedom of speech, which is a clear indicator of democratic backsliding towards authoritarianism.

Notwithstanding the issue of the judicial system and media freedom, one of the recurring problems for Bosnia and Herzegovina's democracy – besides basing democracy on the ethno-national principle of rule – is the country's complicated and cumbersome institutional design. In this regard, November 2019 marked a year without the central government formation. It is not at all surprising that the country received 39/100 points on the democratic scale, thus marking it once more as a transitional and hybrid regime (Freedom House 2020). This is particularly devastating when it comes to the EU accession, considering that BiH expected to receive candidate status in 2019.

4.2 Human rights in Bosnia and Herzegovina

The very first Pride march was held in Sarajevo on 8 September. It was one of the major steps towards breaking the veil of invisibility and recognition of this traditionally-marginalised group. In terms of human rights and democratic development, the mere Pride march may be regarded as a success story in terms of freedom of assembly and in terms of the rights of minorities and marginalised groups, although it faced certain pressure from various sides during the preparations. The march itself proceeded with no major issues, although there were peaceful counter-protests, which may even be regarded as a positive outcome, showing that diversity of opinions can coexist in the same space without conflicts.

Another crucial event for the advancement of human rights was the European Court ruling in the case of *Baralija v Bosnia and Herzegovina* (Application 30100/18). Irma Baralija, a president of the local branch of the political party *Nasa stranka* in Mostar filed a complaint before the European Court related to her inability to vote and stand in local elections for a prolonged period of time, more precisely from 2008. The verdict was in Ms Baralija's favour as it ordered BiH to amend the legislation, no later than six months after this verdict became final, and to ensure free and undisturbed elections in Mostar (Kresmer & Sandic-Hadzihasanovic 2020). This was the first, but very important step in the long battle ahead, which will be crucial for creating a vision of a better Mostar, a city divided along ethnic lines ever since the 1990s.

On the other hand, the humanitarian situation in Bosnia and Herzegovina in 2019 showed no progress compared to previous years. The number of migrants/refugees arriving to Bosnia and Herzegovina in 2019 significantly increased, going beyond 59 000 (European Civil Protection and Humanitarian Aid Operations). According to the UN Refugee Agency (UNHCR), around 9 000 people were stranded in the country, and in the first half of 2019, 17 165 people indicated an intention to seek asylum, but only 426 people actually ended up applying (UNHCR). The conditions in the Vučjak migrant camp in North-Western Bosnia was harshly criticised by activists, civil society members and migrants workers, bringing it to the point where hundreds of camp residents were moved to facilities near Sarajevo (Freedom House 2020). Additionally, the officials from the Republic of Srpska entity openly stated that they would not allow migrant reception centres to be set up on RS territory, thereby refusing to act upon the international human rights obligations of BiH.

As for the issues of hate crimes against various vulnerable groups, including religious groups, persons with disabilities, LGBTI persons and Roma, as well as general cases of racism and xenophobia, ODIHR reported that there were 126 incidents reported by civil society and non-state officials, while Bosnia and Herzegovina reported 21 cases of hate crimes to

ODIHR for the first time since 2016 (ODIHR 2020a). This all affects the democratic establishment in Bosnia and Herzegovina and harshly violates human rights of the minorities and marginalised groups, thus sending the message of hate and emphasising that not everyone is the same and not everyone has the same rights.

The presented facts lead to a conclusion that the country experiences difficulties in advancing democratic principles in the political sphere. This is primarily due to the weak institutions, such as the judiciary, which are staffed by people accused of corruption and other criminal deeds, thus making progress hard to achieve. Another contributing factor of stalled democratisation in the country is its cumbersome and complex institutional design, which often results in difficulties of forming governments on different levels, such was the case one year after general elections in 2018. Taking all this into consideration, things such as daily discrimination, hard conditions for migrants and other minorities and vulnerable groups in the country, as well as attacks on journalists and hate crimes against religious groups, persons with disabilities, LGBTI persons and Roma are not surprising, but remain an important issue with which the country has to deal in order to respect human rights. However, there were some small yet very important steps towards a more tolerant society, such as the successfully held Pride march. It remains to be seen how Bosnia and Herzegovina will handle the issue of elections in Mostar. On a note of hope and positive developments, the following part discusses whether governments that promise change and largely refrain from tools in the authoritarian toolbox can really live up to these promises.

5 North Macedonia: Can a government turnover bring promised change?

The year 2019 was another turbulent year for North Macedonia, both internationally and domestically. The landmark Prespa Agreement resolved the 30-year name dispute with Greece, and the country changed the official name from Former Yugoslav Republic of Macedonia to North Macedonia, seemingly overcoming the last obstacle towards EU integration. The year 2019 also marked two years of the new government of the Social Democratic Party-led coalition that came into power after the 11-year rule of the conservative VMRO-DPMNE. The overthrow of the VMRO-DPMNE 'regime' was largely ushered in during 2015 and 2016 by the Colourful Revolution, a civic movement requiring justice for their crimes and reforms in the EU spirit. Therefore, and in comparison to other countries presented here, it can be argued that North Macedonia entered into 'calm waters' politically, as the country experienced a certain stabilisation and progress in the key EU reforms. For instance, crucial amendments to the judiciary legislation were made, the new law on anti-discrimination was adopted, the first LGBTQ parade was held, as well

as good progress was noted in crucial areas such as media freedom and freedom of expression, the protection of minority rights, and civil society, among others. Nevertheless, these positive developments were jeopardised by several events that presented serious drawbacks in the democratisation processes of the country. In the first row was the scandal involving the Chief Special Prosecutor Katica Janeva and head of the Special Prosecution Office (SPO),¹ who had been charged and arrested for extortion and bribery precisely in connection with these cases. This was one of the key triggers for another political turmoil, huge citizens' distrust, and a *déjà vu* state of play in the 30 years of the country's independence.

5.1 Chapter 23: Still a 'system error'

Since earning the status of candidate country in 2005, North Macedonia constantly struggles with drawbacks in the crucial EU-related reforms connected to the judiciary, corruption and the protection of fundamental rights. The 'homework' given by the EU in reforming the rigid judiciary and corrupt politicians intensified in recent years, right after the Colourful Revolution and, especially, after the change of government in 2017. In this context, in 2019 the judiciary reforms tackled various important questions such as the amendments to the Criminal Code (the conviction of hate crimes, witness protection, and justice obstructions), the amendments to the Law on Courts and the Law on Judicial Council (elections, dismissal, discipline procedure, and liability of judges), and the Law on Free Legal Aid, among others, strengthening the legal framework and harmonisation with the EU *acquis* (Helsinki Committee 2019). The formal adoption of the new legislation granting more independence, professionalism and objectiveness of the judiciary system was assessed as a positive development for the country, but the effects remain to be seen in the following years.

Furthermore, according to Freedom Barometer, not only the independence but also the efficiency of the judiciary and the discrepancies between reforms adopted in Parliament and those implemented on the ground also remain a problem (Freedom Barometer 2019). In this regard, the Blueprint Group, as the largest representation from the civil society sector, commented on the lack of transparency, the partial exclusion of the civil society sector, and slow and inconsistent implementation of the Strategy for Judiciary Reforms (Institute for Democracy Societas Civilis 2019), as negative traits repeating from the previous years. Hence, the judiciary remains prone to political pressure and control, invoking a very low trust of the citizens, weaker protection, and exercise of their fundamental rights and freedoms, and a serious challenge to the core democratic values in the country (EU Progress Report 2019).

1 The SPO was created in 2015 after political agreement of the biggest parties to deliver justice for the crimes of the VMRO-DPMNE and sentence high-profile corruption in the country.

In relation to this, the more important aspect of chapter 23 is the fight against corruption on the part of high-profile officials and party members from the former ruling party VMRO-DPMNE. Much hope was put into the Special Prosecutor Katica Janeva, to charge all those responsible for a decade of state capture, corruption, embezzlements, or other misuses of power (Freedom Barometar 2019). After years of court proceedings, in 2019 several trials were concluded and convictions of high officials and high echelons of the VMRO-DPMNE party took place, yet with visible obstruction of the justice and impunity of the accused. This was notable to loyal members and closest collaborators of the former Prime Minister, Mr Nikola Gruevski, who was sentenced to imprisonment in 2018 and 2019 but previously managed to flee to Hungary and receive political asylum.

Ironically, by mid-2019 the Special Prosecutor Katica Janeva herself had to resign because a criminal investigation and charges have been launched against her (and party members of the ruling social-democratic party SDSM) for extortion and bribery in connection with these cases. This was an additional momentum to increase the pressure on the political scene to SPO as a political construct to cease existing. As a result, in September 2019 the SPO was terminated and all cases and authorisations transferred to the Public Prosecution Office (PPO) of North Macedonia. Contrary to the requests of the civil society sector and the expert community, the transformation did not grant the same position and a mandate for the prosecution of high-profile corruption as the Prosecution Office for Organised Crime and Corruption, casting serious doubts on all investigations and trials, and in the integrity and importance of the PPO as well (Blueprint Group 2019). Noteworthy, the country also appointed a new State Commission for Prevention of Corruption (SCPC). Even though the SCPC received and initiated hundreds of corruption and corruption-related complaints, it acknowledged that prevalent corruption in many areas remains of concern (State Commission for Prevention of Corruption 2019). This deteriorating trend is also visible from the recent data, according to which North Macedonia dropped from 93rd in 2018 to 106th position on the Transparency International Corruption Perception Index (Transparency International 2019).

These corruption scandals and insufficient implementation of the EU urgent priority reforms sparked the French *non* for the start of the EU accession negotiations, against the EU Commission recommendation. The veto triggered the announcement of the 2020 parliamentary elections, the second one in just three years, and, as a result, a technical government capable of securing free and fair elections. In practical terms, this meant another disappointment for the citizens in the justice system and the EU enlargement as such, as well as lower motivation for the political elites to proceed with the fundamental judiciary and rule of law reforms (Helsinki Committee 2019).

5.2 Toughly-won human rights victories

Despite the political scandals and modest implementation of the urgent priority reforms, 2019 was also a year of human rights improvements. The climate for media freedom and freedom of expression improved in comparison to previous years. North Macedonia's ranking progressed from 111th in 2018 to 95th position in 2019, according to Reporters Without Borders (RwB 2019b). The country's ban on government advertising was an important step to avoid control over the media and the abuse of state funds, notably creating a ground that is favourable for expressing pluralistic viewpoints, but the problem of politicised media and political and business influence remained (EU Progress Report 2019). On the other hand, open political debate and criticism of the media, citizens, and the civil society sector continued. In this context, the country encouraged the involvement of civil society organisations, more openly and inclusively leading the policy-making and legislative processes. In May Parliament adopted a preliminary amendment to financial laws that had been deliberately misinterpreted by the previous government of VMRO-DPMNE to penalise NGOs that received external funding (Amnesty International 2019), thus legally cleared with their idea of 'de-sorosisation' of the state (Kotevska & Kamberi 2019).

Moreover, several of the marginalised and vulnerable groups after years of advocacy, court, and street 'battles' were acknowledged and protected through legal mechanisms and policy actions. After 'shameful prolongation and sabotage from the conservative political forces' (Helsinki Committee 2019), the new Law on Prevention and Protection from Discrimination was adopted in May, after the election of the new President of the country.² The Law was in parliamentary procedure for more than a year, under high scrutiny by the EU and the civil society sector that organised several public campaigns and protests in the capital of Skopje for its fast adoption. Importantly, the Law for the first time, explicitly forbids discrimination based on sexual orientation and gender identity in all areas, as well as requires courts to waive fees for plaintiffs in discrimination cases and civil society action lawsuits (US State Department Report 2019).

In this connection, the landmark event of 2019 was the first-ever LGBTI Parade #SkopjePride, as an important victory for civil rights and liberties. Thousands of people marched through the streets of Skopje in support of the LGBTI community. The parade was against societal prejudice, hate speech and crimes, discrimination, and widespread intolerance, and insufficient protection against the hatred and violence against LGBTI persons. According to the organisers, 'the aim of the Parade is not to

2 The Law was previously adopted earlier that year, but the former President, Mr Gjorge Ivanov, refused to sign the proclamation decree, due to the standings of his party VMRO-DPMNE against sexual orientation and gender identity.

celebrate, rather protest and freely open-up the questions of the human rights of the LGBT people in the region' (Kalinski 2019).

Furthermore, 2019 was also a progressive year for women's rights. The controversial Law on Termination of Pregnancy from 2013 adopted under the VMRO-DPMNE was abolished and replaced by liberal regulations removing all restrictions and administrative obstacles. The government also adopted a new action plan for gender equality which proposed to introduce a 50 [per cent quota for ensuring participation of women in electoral processes and decision making by 2020. Moreover, a working group for the preparation of the Law on Equal Opportunities for Men and Women in line with the CEDAW Committee recommendations was formed, and the Law on Prevention and Protection of Family and Violence Against Women is in the process of preparation. The government also continued to work on the National Plan for the implementation of the Istanbul Convention, noting serious progress in terms of conditions and infrastructure (Helsinki Committee 2019).

The pitfalls in the key areas of the judiciary and fundamental rights remain a severe problem for North Macedonia in 2019. The difficulties to deal with the legacy of VMRO-DPMNE crimes demonstrate the considerable weaknesses of the system and the new government, while also representing a source of disappointment for the citizens. Also, the future delivery of justice and judiciary reforms are put into serious question with the arrest of Special Prosecutor Katica Janeva. In other areas of democratisation and human rights, the country has experienced positive and progressive developments that should not be undermined. Even the latter can be seen more in the legal and policy framework in connection with the EU accession, they represent breakthrough events in 2019 and toughly-won victories of the LGBTI community, the human rights defenders, the civil society, and citizens as a whole.

6 Concluding remarks

This article explored the concept of competitive authoritarianism in the SEE region, and its specificities both in terms of the repressive mechanism applied by ruling parties and citizens' mobilisations against markedly authoritarian trends during 2019. The perseverance of weak institutions, especially the judiciary, together with increased stifling of media by the ruling parties, remain among the main issues. The cases of North Macedonia, Bosnia and Herzegovina and Albania seem to evidence that the judiciary-related issues remain a severe problem, as high-positioned judicial or political officials were either accused or even arrested on corruption charges. Importantly, even with the political will to fight corruption (as expressed by SDSM in Macedonia) the accused rarely face any repercussions as the systemic pitfalls prove resistant to reformist

attempts. When the structural element of institutional weakness is coupled with authoritarian-minded politicians, the result is the increased concentration of power in one persona and one party, as is the case with President Vucic and SNS in Serbia and Prime Minister Edi Rama and SP in Albania. The outcome of these tactics usually is followed by the polarisation between the opposition and incumbent parties, such that the former even chooses to exit the democratic institutions and seeks regime removal on the streets, as was the case in Albania. In terms of the overall quality of democracy, with the EU accession process at a standstill in the case of all four countries, it is indisputable that the region has experienced democratic backsliding in 2019.

Even though the social and political circumstances were not conducive to the realisation of human rights, the regional trends in this regard seem to be more diverse than those related to democracy. Although it is crucial to bear in mind the daily occurrence of violence against journalists, and discrimination against vulnerable groups such as migrants and other minorities, some small, yet important steps towards more tolerant society, such as the first LGBTI march in BiH and change of restrictive legislation with regards to abortion in North Macedonia. Furthermore, two out of four countries experienced large-scale citizen resistance to the undermining of fundamental rights and freedoms. The anti-government protests were most intense in Albania and Serbia (and in Montenegro), a fact that prompted some observers to talk about the 'Balkan Spring' (Santora 2019; Eror 2019; Stojanovic 2019). However, by the end of the year it became clear that the hopes and demands of the so-called Balkan Spring would not materialise. One of the main reasons behind this was the inability of the opposition, or any other political actor, to offer a viable alternative to the regime in power. Even though 'none of the protests ... have managed to unseat Balkan leaders, they have encouraged civic resistance and shaken their firm grip on power and the support they have been receiving from the West' (Stojanovic 2019). The failure of these mobilisations to bring about larger changes can mostly be attributed to strong authoritarian tendencies of the ruling parties and the diversity of actors (for instance, right wing parties and movements took part in mobilisations in Serbia) and demands put forward by the protesters. In cases where this is accompanied by an uneven political playing field, as is the case in much of SEE, the democratisation potential of contentious politics turns into mere episodes, rather than becoming a strong regional trend.

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