



YUCOM

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Human Rights and Democracy Violation Early Warning *Weekly Newsletter* No. 7

A Report on the Discussion on Human Rights and Transitional Justice at the
Conference

CIVIL SOCIETY DEVELOPMENT IN SOUTHEASTERN EUROPE: BUILDING EUROPE TOGETHER

(Brussels, April 17&18, 2008)

On the initiative of the European Commission's *Directorate General Enlargement*, representatives of hundreds of NGOs and other civil society associations from EU candidate and potential candidate countries, as well as their counterparts from EU member countries have met in Brussels to exchange experiences and information, as well as to discuss their role in these countries' speedier accession to the European Union. As this important conference took place in a moment crucial for Serbia's future – the upcoming parliamentary, provincial and local elections represent but one of the aspects of this country's complicated condition – the *EWS Newsletter* team decided to dedicate an issue to it with the aim to inform our readers and friends on the increased chances that civil society organizations in Serbia play a more significant role in mending the disturbed relations with the EU.

The gathering was attended by more than 50 representatives of close to 30 Serbian NGOs, whose contribution to numerous debates was welcomed by participants from other countries and EC representatives alike.

The Conference was opened by Enlargement Commissioner **Olli Rehn** who was followed by a keynote address by the American philanthropist and open society advocate **George Soros**. The opening panel was followed by a second one held under the heading **CIVIL SOCIETY'S ROLE IN THE PROCESS OF ACCESSION OF THE NEW MEMBER STATES: LESSONS LEARNED** dealt with making the instruments for pre-accession assistance (IPA) open and available to NGOs and CSOs in Western Balkans (WB) and Turkey.

Indicating that relevant EU structures have been somewhat reluctant to maintain a dialogue on human rights and other politically "sensitive" topics that still burden the political climate in WB





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countries, most notably in Serbia, NGO representatives from Serbia urged the EC to encourage the inclusion of such human rights organizations active in these areas in the enlargement processes and IPA programs. They argued that there can be no effective and comprehensive preparation of these countries for EU memberships if there is no long-term pre-accession strategy¹ that would include a sustained dialogue with human rights CSOs on observance, protection and uphold of human rights and civil liberties, as well as promotion of European values in the media, school curricula and public life at large. It was already at this panel that YUCOM delegate raised the question what lessons have been learned from the hitherto strategy of partnership with Serbia Prime Minister **Vojislav Koštunica** and his policies.

YUCOM representatives took active part in a range of workshops dedicated to issues YUCOM is dealing with. The *Human Rights Workshop*, moderated by **Jean-Cristophe Filori** of EC ELARG (Directorate-General for Enlargement), was focused on the human rights related issues of probation (introduction by **Jos Koesters** of *Netherlands Helsinki Committee - NHC*) and legal aid to persons unable to afford it (introduction: **Tin Gazivoda** of the *Human Rights Center's* Task Force from Zagreb, Croatia). YUCOM representatives' contribution to this debate was centered around distinguishing between *pro bono* legal aid to the needy, and assistance to human rights defenders, i.e. strategic litigation in cases of violation of human rights that can often be considered political.

Representatives of a group of NGOs from Croatia (*DOKUMENTA*), Serbia (*Humanitarian Law Center*) and Montenegro (*Human Rights Action*) urged the EU to take a more active stance on war crime trials and transitional justice generally: they argued that these issues should be included in the pre-accession documents, whereas confrontation with the recent past should be on the list of conditions for membership. YUCOM underlined that support to human rights defenders (HRDs) – themselves often subject to harassment both on the part of remnants of the past and other regressive social groups, and authorities in WB countries – and more consequent insistence on the rule of law could represent important tools in helping these countries to attain European standards in these areas.

EC ELARG representative J-C Filori pledged his support and stressed that NGO representatives from the region can freely turn to Brussels for assistance in terms of better communication, improvement of the aspects of human rights, transitional justice and war crimes trials in the pre-accession documents. He pointed out that EC delegations in WB countries are the appropriate

¹ Occasional references to *Copenhagen Criteria* – made both by Brussels and the countries in question – appear to be lip service rather than serious commitment, since they stop short of serious analyses of relevant developments and fail to address Europe as value system rather than merely a means to achieve better life in material terms.





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channels of communications that should permanently be open to contacts with CSOs.

April 18, the second day of the Conference was kicked off by an informal working breakfast of the EC team of experts in charge of Serbia with CSO representatives from this country. The event was also attended by H. E. **Josep M. Lloveras**, Head of the EC Delegation to Serbia, and his associate **Ms. Vera Morandini**.

The occasion was used for a lively exchange of information: while EC representatives briefed their guests on EU/EC policies on WB and Serbia in particular, Serbian NGO activists commented on the contemporary social and political developments in their country. Several highlights:

- Human rights activists from Serbia agreed that so far Brussels has almost avoided contacts with NGOs dealing with human rights and other “politically sensitive” issues, and welcomed the announced change of direction in that respect: a greater EC openness to contacts and intended regular consultations with HRDs in Serbia can only be mutually beneficial, a representative of the *Belgrade Human Rights Center* emphasized.
- *Humanitarian Law Center* representative reiterated that the inclusion of transitional justice issues in pre-accession documents and conditions to be presented to Serbia is indispensable.
- *Helsinki Committee for Human Rights in Serbia* (HOPS) delegate maintained that regular consultations between the EC and human rights NGOs in Serbia are of immense importance in developing sustainable EU strategy for Serbia, as well as in avoiding problems that have been emerging as an outcome of reliance on information based on the then preferred “partnership with the Government”.
- YUCOM insisted the view that support to HRDs and their inclusion in an enhanced dialogue with EU/EC within the framework of the elaboration of a much needed strategy of support to Serbian civil society for the pre-accession period should be one of priorities in the coming period. This support should include access to IPA funds as well. This view was supported by most organizations present.

Members of the EC Serbia Team underlined that human rights issues are of special importance to EU/EC, that they occupy a very high place on their agenda, and that the comments made at this meeting will be taken in serious consideration when planning future policies and activities.

The debate at the panel **THE ROLE OF CIVIL SOCIETY IN THE PRE-ACCESSION PROCESS IN THE ENLARGEMENT COUNTRIES** was no exception in this respect: **Ivan Vejvoda** (Balkan Trust for Democracy), one of the panelists, stressed that future ENLAG strategies and pre-accession





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documents should take *"the special role played by human rights organizations, as well as those critical of the responsibility of authorities for the situation in their countries" into account to the extent that "such organizations should receive institutional financial support"*.

Parallel to the panel, three workshops took place to debate the following topics. One of them draw special interest on the part of all participants: **THE INSTRUMENTS FOR PRE-ACCESSION ASSISTANCE (IPA): ITS CONTRIBUTION TO CIVIL SOCIETY DEVELOPMENT IN SOUTHEAST EUROPE** (moderated by **Dirk Meganck** of the EC DG ENLAG) aimed at presenting IPA funds intended for WB and Turkey, pre-accession strategies for 2008-2010 and the *Regional Programmes Civil Society Facility* (headed by **Yngve Engstroem**). This workshop offered yet another opportunity for NGO representatives from Serbia – notably YUCOM and HOPS – to stress the importance of permanent communication between human rights defending NGOs and the *Facility* and their consultations on priorities in pre-accession support allocation. General issues relating to IPA distribution should also be subject of such consultations, since past experience with such assistance channeled through government ministries and/or government-organized NGOs (GoNGOs) have shown that such assistance can fall prey to misuse or even corruption. Finally, the question was raised as to the future IPA allocation in the light of possible outcomes of the present election campaign in Serbia.

In his answers and comments **Yngve Engstrom**, Head of the *Civil Society Facility*, underlined the EC readiness to preempt the problems Serbian CSO activists pointed at, called upon the EC Delegation Head to modify the hitherto practice and embark on more frequent consultations with human rights NGOs, and pledged to pay additional attention when prioritizing in the area of IPA allocation in the future. He also committed himself to examine additional mechanisms to combat corruption in the region.

Conclusion:

Human rights defenders and CSOs that maintain a critical attitude toward the developments in the region in general and in Serbia in particular, can only be pleased and content with the announced change in EC policy toward issues in the focus of their attention. Understanding, support and assistance coming from European institutions will not only render their efforts more efficient and successful, but also accelerate Serbia's advance in joining the family of free and democratic countries.





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