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Komitet pravnika za ljudska prava / Lawyers' Committee for Human Rights
17 Svetogorska Street, 11000 Belgrade, Republic of Serbia Tel/Fax: +381 11 33 44 235; 33 444 25; 3238 980
e-mail yucomoffice@gmail.com
www.yucom.org.yu

Human Rights and Democracy Violation Early Warning *Weekly Newsletter* No. 29

1. In line with its decree issued June 27, 2006 the Government of Serbia awards special acknowledgements and prizes to persons who have "significantly contributed to the development and promotion of sports". This decision constitutes legal background for prizes, bonuses and special pensions awarded to athletes who have represented Serbia in international competitions and won medals and championships. Special pensions awarded, for example, to gold medalists (both in individual and team sports) starting with 35 years of age, amount to three average monthly incomes paid in Serbia in Dec. 2007 (84,000 dinars, equaling €1,000 a month today). In an attempt to update the criteria and bring them in harmony with the dominating atmosphere in the country's political climate, Sports and Youth Minister **Snežana Samardžić-Marković** proposed that such pensions would be awarded to those candidates who sign a special *declaration of allegiance* – a statement committing them not to recognize Kosovo's independence. Such a document would be submitted to signature only to athletes of non-Serbian descent (i.e. ethnic Albanians – who nominally are citizens of Serbia) who have been competing under the flags of states preceding present-day Serbia: SFR Yugoslavia (officially dissolved 1992), FRY (1992 to 2003), Serbia and Montenegro (2003 to 2006).

Confronted with a wave of criticism and protests¹ against discrimination, coming from NGOs and prominent human rights defenders and protectors, government officials tried to mitigate the damage done, but the resolve to retroactively introduce such concepts of "patriotism" in sports was not abandoned. A spokesman for the Ministry said the final decision on the matter will be made when "other ministries have expressed their view" on it.

¹ Readers' reactions on the B92 news site reflect the public mood on this issue: out of a total of 52 comments, 14 argued in favor of awarding these athletes such pensions without conditions, while 17 took a neutral "legalistic" stand: "Those who fulfill necessary conditions to get pensions should also get them". Some of the 21 readers who were against recognizing the athletes' past merits used extremely hostile "arguments" such as: "Why should we reward traitors?" The number of those who supported such comments was manifold higher than the level of approval of the opposite attitude.





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2. In an interview to *Beta* news agency Assistant Police Director in the Interior Ministry, **Željko Nikač** said that there are "six or seven groups that have neo-Nazi features, but they can not endanger the country's security, but they are not to be underestimated". According to Mr. **Nikač**, these groups include *Nacionalni stroj* (Serbian chapter of the *Stormfront*), *Krv i čast* (*Blood and Honor*), *Obraz*² (*Cheek*), *Skinheds* (*Skinheads*), and a "football fans' group" named *Red United Force*. It is noteworthy that Mr. **Nikač** stopped short of mentioning several groups and organizations³ that in no respect lag behind those he listed.

This is the first time that a high-ranking government official admits that there is open advocacy of neo-Nazi ideology and aggressive presence of such groups in Serbia today. Irrespective of his view that these groups do not represent a danger to Serbia's security, as well as of his intention to belittle their malignity, the very fact that they are finally identified as such justifies the assumption that there's more to their emergence and public presence than being a mere "concomitant phenomenon" of the transition process.

It also indicates that NGOs and human rights groups have been right while pointing out that such groups and the years-long benevolent attitude toward them on the part of authorities are incompatible with Serbia political class' official declarations in favor of upholding democratic values.

3. Under the slogan "Let Us Raise Our Hand against Corporal Punishment of Children", the Government's *Council for Children's Rights* launched a campaign to combat violence against children⁴. The campaign will be conducted with the support of Belgrade offices of the *Council of Europe* and *Save the Children*.

² *Obraz* is one of the largest, best organized and widely supported extreme rightist groups. Since its inception in 1993 it has published a periodical (former Prime Minister **V. Koštunica** authored contributions on contemporary Serb affairs to it)

³ These include students' organizations such as *Dveri Srbske* (*Serb Gate* – Belgrade University Dept. of Philosophy), *Nomokanon* (BU Law School), *Naši* (*Ours* – Serbian replica of **Putin's** youth phalange), *Familija srbskih navijača* (*Serb Football Fans' Family*) – all of whom preaching xenophobic nationalism and aggressively "defending" it by means of demonizing all those who think otherwise.

⁴ EWS dealt with this topic in its issue No. 26 (Slobodan Antić and *Politika* Readers on Education Methods) (Slobodan Antić i čitaoci *Politike* o metodama vaspitanja dece) in detail. The case presented therein served as an example of the treatment of this sensitive topic in the public discourse.





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The *Council's* Vice-Chair **Ljiljana Lučić** – who is simultaneously State Secretary in the Ministry of Labor and Social Policy – said at a press conference to announce the campaign, that “72% of children in Serbia experience some form of violence as an education method”. A 2005 UNICEF survey conducted in Serbia on a sample of 2,700 showed that 62% have experienced psychological abuse, 51% were exposed to “light forms” of corporal punishment, whereas 7% suffered severe physical violence.

Ms. **Lučić** expressed the expectation that the Government of Serbia will adopt a *National Strategy of the Prevention of Violence against Children* by mid-December. So far, such strategy has not been subject of a public debate. Nevertheless, the Ministry's announcement represents an outright admission that the problem of corporal punishment in general and violence against children in particular represent an issue all relevant institutions in Serbian society should urgently deal with.

4. December 10th – The *International Human Rights Day* was observed in Serbia only modestly and without a visible participation of state authorities such as officials of the Ministry for Human and Minority Rights.

In an interview to the *B92* radio and TV station, Citizens' Protector (Ombudsman) **Saša Janković** pointed out that it does not suffice to pass laws that would enable human rights' protection; these laws should be enacted and implemented. However, Serbia does not even have a law that would regulate this area – a serious shortcoming which “means greater freedom for those who violate citizens' rights. It is in this way that they are left to believe that respect of basic human, professional and ethical norms – that always represent a point of departure in defining human rights – are merely a matter of their goodwill”, **Mr. Janković** underlined.

Human rights condition in Serbia represents a subject-matter of numerous reports (such as the *EU Progress Report*, *UN Human Rights Council* etc.) whose publication usually provokes short-breathed dissatisfaction or intentional ignoring of both reports and problems they deal with. Politicians such as **Rasim Ljajić**, former Minister for Human and Minority Rights, who currently heads the Labor and Social Policy Ministry, react to such reports by justifying Serbia and paying lip service to „certain shortcomings” pinpointed by international organizations, mostly blaming „insufficient information” at the disposal of such organizations, but often citing ill-willed misapprehension of the difficulties Serbia is facing. As a matter of course, there is also the obligatory package of intolerance towards human rights NGOs: it is these NGOs that are more or less openly accused of exaggerating „small problems that do exist in Serbia”, and thus justify their very existence. However, as performance of any public activity in Serbia is still looked upon as the art of skipping “unpleasant” topics and questions rather than being accountable for whatever government an





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political elites are doing, such statements made by government officials as a reaction to the publication of international organizations' reports should be viewed in this context: nothing dramatic or unusual, but an important indicator of the state of human rights in Serbia at any rate.

What even more eloquently than politicians' pragmatic behavior illustrates the public attitude toward human rights, can be seen in media⁵ echo of the Human Rights Day on Dec. 10, 2008.

Headlined "UN Human Rights Council Praises Serbia's Report" and subtitled "Main Shortcomings Seen in Journalists' and Human Rights Defenders' Position, and Discriminated Groups' Protection", a brief report on p. 7 of the government-owned *Politika* daily carries a statement by Human and Minorities Rights Minister **Svetozar Čiplić** on alleged praises for Serbia's attitude and practices, expressed by 42 states (with no data on the total number of members) who had given recommendations and put questions, whereby only one question – put by a UK representative – had a negative connotation since it dealt with the "alleged failure to cooperate with the ICTY". The bulk of criticism, confirmed by the Minister himself, related to the "position of journalists, human rights defenders and protection of discriminated groups", however, without stating which countries made those criticisms. The report goes on to boast that Serbia's greatest success consists of having been among the first to file the national report, whereas Serbia's country report will be reviewed and assessed in February 2009. In the meantime, Serbia will have to reply to remarks submitted by member-states, whereby the Minister stresses that inefficiency of the judiciary, i. e. untimely institutional protection. In other words, have the media reported briefly on the human rights situation in Serbia, it would have sufficed to state that journalists', HRDs' and discriminated groups' human rights are jeopardized, as well as that courts are inexpedient and there lacks timely institutional protection. Irrespective of praises coming from any number of states, a report such as the UN Council's can by any criteria be considered to be good. However, this can not be drawn as a conclusion from the renowned *Politika's* article or from the Minister's statement.

In its rubric *Society/Chronicle* (page 9, on Dec. 10, 2008) *Politika* carries a small text devoted to Ombudsman **Saša Janković**. Printed under the headline "Paper Institutions Do Not Protect Human Rights", the article represents the Ombudsman's

⁵ Generally, both electronic and print media dedicated very little attention to this topic. The Human Rights Day was hardly registered in so-called "serious" media. Tabloids and commercialized radio and TV stations are not considered here as a matter of course.





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personal reflections and dissatisfaction rather than a diagnosis of the human rights condition in Serbia – a country where Ombudsman's Office continues to be perceived as an NGO without much significance rather than an institution entrusted with the protection of citizens' rights, whose judgment should be not only respected but also feared by the executive branch. On Dec. 11, 2008 *Politika* reports (*Society*, p. 9) on a press conference called by several human rights NGOs on the occasion of the Human Rights Day. Their intention was to inform about the establishment of a *Regional War Crimes Commission* (introduced by **Nataša Kandić**), and other NGO activities related to human rights. *Politika* stopped short of informing its readers about the latter and restricted itself to featuring a box with a description of a happening on Belgrade's Republic Square: "Representatives of the UN, European Commission and Serbian Ministry for Human and Minority Rights marked the International Day of Human Rights" by symbolically making five steps representing the struggle against discrimination of women, children, persons with special need, minorities etc.

Outlook:

The absence of a clear strategy in basic human rights protection, as well as effective mechanisms and instruments -- such as adequate laws and empowered institutions -- to guarantee such protection, testifies to the political class' deficient awareness of the importance of human rights and unwillingness of public office holders to see to it that the state fulfills its basic duty: to protect its citizens. Serbia must recognize an honor the *Declaration on Human Rights Defenders* in order not only to clearly define the state's own and obligations, but Human Rights Defenders' rights as well. It is in this way that human rights would not remain on the margins of daily routine in politics and media, and would finally represent an essential element of democracy as a value system.

