



Lawyers' Committee For Human Rights

YUCOM

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Conference on "Combating Violence" (01/03/2011.)



Lawyers Committee for Human Rights YUCOM, held a press conference, on March 1, 2011, regarding the fight against violence in Serbia. Through presentation of cases led by non-governmental organizations, the panelists emphasized unduly different approaches of state authorities towards vulnerable groups-Roma community, the mentally ill persons, women, LGBT population.

On the effect of advocacy of NGOs before government bodies, as well as on consequences human rights defenders face because of his engagement, spoke:

Milan Antonijevic, Director YUCOM

Lawyer Natalija Solic, YUCOM

Lawyer Kristina Todorovic, YUCOM

Maja Micic, director of the Youth Initiative for Human Rights

A representative of the Coalition against Discrimination

Danica Jovanovic, Roma Network

YUCOM announced the launch of the Call Center (0700-400-700) to provide legal assistance to victims of Human Rights violations. The conference was organized within the project "Legal aid in cases of violation of human rights, discrimination and protection of Human Rights defenders", implemented by YUCOM with the support and the cooperation of the non-governmental organization Civil Rights Defenders.

Previous days have shown that Serbia does not have an adequate response to violence, trials are often very long, and sentencing policy for offenders is too indulgent. The question is whether the Government does not understand the problem seriously enough, and does not take into account the danger of violence or inaction in cases of violence. Hate speech can frequently be seen in entertainment programs, such as the recent case of Pink TV, which raises the question of the adequate response of civil society in such events or not, of the opportunity to initiate proceedings for the violation of the article 317, and how and to what extent they will react together with the Radio Broadcasting Agency.

Psychologists and sociologists more and more point out the fact that violence



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increases in society : it raises the question of why our country does not remove the causes that lead to violence, but eliminate the consequences and react only when violence occurs. Violence is present in every society, but we have to wonder what the relation between society and violence is. In addition to domestic violence, bullying and violence against marginalized and vulnerable groups are also on the rise.

YUCOM's office of legal aid is increasingly contacted by people who have certain mental disorders, and who are damaged by the administrative authorities, or other state bodies, and who indicate abuses and a lack of attention towards them.

The latest studies point out the fact that the perpetrators are increasingly young people, mostly aged 15 to 30 years old. It is very important to emphasize on the growing number of juvenile delinquency, not only for property crimes, but for the most serious faults, like murder, rape, or serious robbery.

The situation of the family is taken into account as an important factor of this behavior, as well as the significant influence of the media, hate speech and the influence of nationalist and fascist organizations, and organized groups of fans that represent a general public danger, and to which the State does not have adequate answers.

During the conference, we had a review of the trial in the case of Jabuka, concerning the violation of the Law on Public Information, as well as the violation of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles. During the dispute, there was a breach of the presumption of innocence, because before the trial was completed, and before the juvenile was convicted and heard the sentence, the media had published it.

The Representatives of YUCOM, who were not allowed to be at the trial, argued that the case was politicized.

It has less damages and less impact on the case if the trial is made in public, and when the professionals are not prohibited to attend to the trial.

Danica Jovanovic, from the organization Roma Network indicated that the Open Society Institute in New York and the World Bank proclaimed the Decade of Roma Inclusion for the period 2005 - 2015. Serbia, through the Ministry of Human and Minority Rights, joined this initiative, adopting the National Strategy for improving the situation of the Roma community in 2009. This means that countries that join such an initiative should work to improve the situation of the Roma population through programs and projects.

The institutions of the system still do not recognize the importance of Human Rights of the Roma community and even if there are mechanisms that have been achieved at national and local levels, there is still a huge violation of Human Rights of the Roma population. The passivity of the police and local government shows that our institutions are not ready to deal with racism. The Decade of Roma Inclusion aims to show the difficult position of the Roma community, the violence against the Roma population, the violation of basic Human Rights, the attitude of the institutions and the passivity of the police.

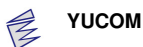
Danica Jovanovic, from the organization Roma Network, pointed further the difficult position of defenders of Human Rights of the Roma population.

The conference also referred to the case Mise Vačić - whose trial lasted more than a year, and pointed out the fact that the LGBT community representatives were invited to testify only after more than a year. At the trial, the ultra-rightist organization 1389 was present, which has inevitably implied the presence of the police.

What often happens in cases of violence against the LGBT community, is that the motive is not taken into account. The perpetrators of violent behavior against the LGBT community or interference with police work, etc., are on trial, but their motive is not taken into account.

Hate speech against members of the LGBT community are more and more frequent in the media. So far, no measures have been imposed on the subjects and only once for the countless number of cases the Radio Broadcasting Agency reacted.

Representatives of the LGBT community feel that the State's attitude further encourages bullying because of its inaction in many cases. Hate crimes still did not find a sufficiently clear provision in



the Criminal Code and the provisions that apply are not satisfactory.

The Republic Public Prosecutor's Office requested the prohibition of the organizations SNP 1389 (Serbian National Movement 1389), however, the Constitutional Court still has not taken its position, which indicates the absence of the political will.

The questionnaire of the European Commission indicates that Serbia has no data on criminal acts that should be prosecuted.

If you look at the case of the burning of the mosque in Belgrade in 2004, the trial is in the process only now. The first hearing was held in 2011 and it lasted only 32 minutes. When we compare with some other cases, for example Brice Taton case, it is evident that the courts do not act in the same way in these cases. YUCOM believes that the public pressure must be higher, in order to come to a fair trial.

Maja Micic, director of the Youth Initiative for Human Rights, indicated that all young people are perpetrators of violence, and that, on the one hand, we have a vast majority of young people who do not have a clear position on violence and which makes them passive persons, while on the other hand, we have active participants who are very violent.

Maja Mačić also believes that it is important to work toward education of young people. It is believed that one of the problems is that only young people from Belgrade get educated on the topic, while other areas outside of Belgrade remain closed.

Accessing to these topics in educational programming should be a priority for education.

Office of the Legal Aid YUCOM.

To determine what kind of problems face regarding the protection of citizens, or problems in the implementation of human rights, as well as most human rights violations and in what way they can help, YUCOM opened free legal aid office and a call center.

In increasing numbers, it occurs that people who contact YUCOM through the Call Center are members of marginalized groups, members of national minorities, members of the Roma community, or members of the the LGBT population etc...

A large number of citizens mainly objects that some legal proceedings could even late fifteen years. Kristina Todorovic, who is a lawyer in YUCOM, pointed an example from the Court of Serbia, about a dispute for the awarding custody of a minor child, where, despite the urgency and the need to protect the interests of the minor child, the decision was taken in more than a year.

It is only when YUCOM stressed the urgency of the case and insisted for having a decision that the dispute was resolved very fast.

YUCOM considers that since there is no monitoring of the work of the judiciary, everything will happen outside the legal framework.

On average, about 25 percent of citizens do not complain about the actions of government and those of the Social Welfare Centers, and even more about police authorities. The state institutions tend more frequently to point out violence perpetrated against marginalized groups.

In addition, we can see the inefficiency of government bodies not only regarding violence but also when it comes to the realization of basic and fundamental human rights.

From these cases, we see that despite the fact that Human Rights are guaranteed by the Constitution, ratified in many international conventions and laws, the practice has not yet shown results in the realization and protection of these rights. Seemingly, the state is still not ready to provide an adequate mechanism to implement clear rules or laws, nor even to respond to the problem.



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