

HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA – MINORITIES

I.

In the period 2004 – 2008 two major political developments with regional impact considerably influenced Serbian minority communities' perception of their safety and security on the one hand, and free exercise of their constitutional rights on the other.

Firstly, the outcome of Montenegro's independence referendum of May 21, 2006, put an end to the State Union of Serbia and Montenegro. Secondly, in the first quarter of 2008 and after failed status negotiations the Kosovo parliament proclaimed independence of this so-called Serbia's South Province.¹

Serbian conservative and nationalistic bloc's announcements of strategic changes in the country's foreign policy and stronger reliance on Russia in the event of Kosovo's independence declaration caused anxiety among members of minority communities. Cancelled negotiations on SAA with the EU due to the stalled cooperation with the tribunal in The Hague was also perceived by minority communities as a worrisome trend that would negatively affect their overall position. Besides, the very fact that the dissolution of the State Union marked the end of some major institutions in charge of minority protection such as the Ministry for Human and Minority Rights could have hardly encouraged minority communities. The more so were they frustrated since Serbia has never developed a coherent minority policy or placed the minority issue on the list of the government's top priorities. Actually, the minority issue has been swept under the carpet for years, while tackled *ad hoc* only and only under the pressure from the international community.

It should be noted that, over the past years, the Kosovo question has captured the attention of the great bulk of Serbia's political society. Kosovo has been manipulated for the purpose of national homogenization and mobilization. For their part and despite that, minority representatives have done their best to keep the minority issue open and international organizations interested in its settlement. In 2005, three parties of Vojvodina Hungarians put forth their desirable model of autonomy for Vojvodina Hungarians for the consideration of Martii Ahtisaari, UN Secretary General Envoy to Kosovo, and Stephan Lene, special adviser to the EU High Representative, and asked the two to help them realize this model. The Democratic Alliance of Croats in Vojvodina adopted the Declaration on the Position of the Croatian Minority in Vojvodina whereby it announced the possibility of turning to the Council of Europe, the European Parliament and the High Representative for National Minorities for assistance so as to prevent further divisions and eventual assimilation of the Croatian community. In late 2005 three Bosniak parties also appealed to domestic and international factors to finally solve the issue of Bosniaks and the status of the Sandzak region. Other minority communities as well expressed

¹ For instance, representatives of the Bosniak community were anxious that division of Sandzak (as a logical outcome of Montenegro's independence) would hinder the exercise of their rights. Hungarians and other minorities in Vojvodina – Ashkalia in particular since general population mostly identifies them with Albanians – worried that Kosovo's independence might cause a new wave of repression against them, like the one in 2004.

dissatisfaction with their position and the state's attitude towards them – the Albanians in the Preshevo Valley (South Serbia), Wallachians and Bulgarians in Serbia's south. In 2007 several Bulgarian minority organizations requested the state of Serbia to show respect for the law – i.e. to respect Bulgarians' human and minority rights, enable education in the Bulgarian language and its official use, and to encourage economic development of the Bulgarian minority community. They addressed their demand to the Serbian and Bulgarian parliaments, as well as to the European Parliament.

The attempts at internationalization of the minority issue and its settlement with the assistance of the international community made Serbian authorities rather nervous – for them, such attempts were unnecessary, inappropriate, harmful and dangerous.² The Serbian establishment's criticism targeted not only minority politicians but also the measures taken by the international institutions. Serbian political factors perceived the Resolution on the Protection of Multiethnicity in Vojvodina, the European Parliament adopted in late September 2005, as much too harsh, incorrect, harmful, malicious and the outcome of lobbying and tendentious reports by non-governmental organizations.³

Interethnic relations aggravated in Vojvodina in 2004. While the authorities were claiming this was all about isolated incidents – and insisted on such stand even when incidents spread horizontally affecting more and more minority communities – minority representatives were warning about a dangerous social trend calling for energetic and synchronized action by governmental bodies.⁴ Minority representatives were overtly dissatisfied with the efficiency of the police and courts of law. They kept underlining that wrong classification of an offense easily changes its nature and makes it possible for perpetrators to go unpunished or be just fined. Representatives of the Hungarian community made no bones about the judiciary's "ethnic bias."⁵

Developments in Vojvodina proved that this ethnically most pluralist part of Serbia lacks mechanisms for interethnic problem resolution. The police still stand for a highly centralized state agency. Republican authorities have been turning a deaf ear to all demands for the establishment of the police department of Vojvodina. Above all, one cannot but be worried about moral insensitivity of the majority population, particularly younger generations. The findings of the survey the Center for Modern Skills conducted

² As it turned out, internationalization was most welcome as it diminished the number of ethnically motivated incidents.

³ Such response was nothing but a reproduction of the autistic attitude that placed the position of ethnic communities in Serbia in the focus of interest of international organizations in the first place. At the same time, it left ethnic minorities no choice other than seeking allies and help outside Serbia.

⁴ After 2005, ethnically motivated violence registered a downward curve. However, the number of religiously motivated incidents took an upward trend. In some minority communities in Serbia ethnic and religious affiliations coincide – therefore, "church" legislation often influences the situation of interethnic relations. In 2006, Serbia passed the Law on Churches and Religious Communities despite the fact that the Council of Europe assessed it as unadjusted to European standards. Discriminatory provisions of the said law have been much disputed since.

⁵ Ethnic motives are hard to prove in trials. However, reactions by a part of the minority public should not be ignored since they influence both the stands and behavior of other members of minority communities and, as such, hinder normalization of interethnic relations. Besides, the Serbian judiciary is plagued by two key problems – unreasonably protracted trials and non-implementation of rulings.

among young people /students/ showed intolerance towards the growing number of social groups – from ethnic and sexual to generational. Roma, Albanians, Croats, Bosniaks, Bulgarians, Americans and Blacks were the most frequent targets of ethnic and racial intolerance. Further, according to the survey, young people are intolerant towards homosexuals, lesbians, transvestites, “the other” gender, people with disabilities, fat people, skinny people, handicapped students, mental patients, etc. The public opinion poll conducted by the Center for Free Elections and Democracy /CeSID/ gave no reason for optimism as well. Its findings showed that 56% of interviewees agreed that one should be cautious about other nations even when they show friendly faces. While ethnic minorities consider themselves loyal citizens, the ethnic majority sees them as disloyal to the state of Serbia. The ethnic majority is almost unanimous about Albanians’ disloyalty, and the great majority of Serbs think the same about Croats and Bosniaks.⁶

When compared with republican authorities, the provincial ones /in Vojvodina/ show more sensibility for the minority issue – they endeavor to combat ethnic distance and promote multiculturalism and tolerance in the society, primarily through education system. Unfortunately, educational and other authorities in the Republic, as the Provincial Secretary for National Minorities put it, do not always show understanding for their efforts.⁷

II.

The minority issue can be viewed from several angles: the state’s attitude towards minorities, the majority’s attitude towards minorities, relations between different minorities and relations within a minority community.

1. Speaking of the state’s attitude, it should be noted that Serbia has taken some measures to improve the overall position of minority communities. Unfortunately, those measures were mostly makeshift or inconsequential and, occasionally, counterproductive.

At **legislative level**, the adoption of a law on national councils has been delayed for too long. Despite the fact that the Law on the Protection of Rights and Freedoms of National Minorities provides establishment of minorities’ national councils, a bylaw regulating election of those minority self-government bodies, their competences and financing has not been passed for six years now. In the meantime, mandates of a number of national councils have expired, while new ones cannot be elected due to non-existent legislation. Besides, discrepancy between various laws gives rise to many problems. For instance, the Broadcasting Act provides mandatory privatization of local broadcast media, while the Law on Local Self-Government and the City of Belgrade lays down a possibility for local self-governments to establish local media outlets.

⁶ See, “Human Rights: Hostage to the State’s Regression,” the annual report of the Helsinki Committee for Human Rights, Belgrade, 2006.

⁷ For several years now the provincial authorities have been implementing the project aimed at promotion of multiculturalism and tolerance in Vojvodina. “Tolerance camps” for the young have been organized in cooperation with neighboring Republic of Hungary.

The dissolution of the State Union of Serbia and Montenegro downgraded the **institutional level** of the minority protection – the Serbian government replaced the Ministry for Human and Minority Rights by the Department for Human and Minority Rights the functioning of which has been seriously criticized.⁸ However, after May 2008 parliamentary elections the Ministry was reestablished, which, at least formally, upgraded the level of minority protection. The Republican Council for National Minorities – set up after the interethnic crisis in 2004 – has convened only one session so far. The Council itself is a typical façade institution assembling the Premier, key ministries and presidents of national councils. The Law on Local Self-Government provides establishment of councils for interethnic relations. Those councils have been formed in more than one half (40) of the total number of multiethnic municipalities (68) in Serbia. However, their functioning can hardly be effective in the absence of detailed regulations.⁹

Apart from the problems marking legislative and institutional levels, there are problems in the domain of **legal protection** of minority rights. Impunity for ethnically motivated violence only foments new cases and sends two types of messages: to perpetrators that they will probably go unpunished and to members of minority communities that there is no rule of law. Both messages contribute to minorities' sense of insecurity.¹⁰

2. Mistrust and bias mark the ethnic majority's attitude towards ethnic minorities. The wars in the territory of ex-Yugoslavia have reinforced some old ethnic stereotypes and created new ones. Minorities should be loyal /to the state/, takes the majority but neglects the fact that loyalty resembles a two-way street. The most bizarre case of such "requested" loyalty took place in Sombor after Kosovo's independence declaration. Owners of local bakeries wanted their colleagues – two Albanians also running a bakeshop – to condemn Kosovo's independence. Facilities and shops run by ethnic Albanians were assaulted in Sombor and a series of other towns. Though never overtly encouraging such acts, the authorities showed understanding for the motives behind them.

3. Speaking of the problems plaguing the relations between different minority communities, expert circles – by far more than lay people – are rather preoccupied with the relations between Croats and "Bunjevci." Representatives of the Croatian community consider Bunjevci (they refer to as a branch of the Croat ethnic tree) a separate ethnic community and the state supports such differentiation: actually it contributes to fragmentation of the Croatian community and its subsequent assimilation. For their part,

⁸ Most critics say that the Department is concerned with protecting the government from criticism for its inefficiency in the domain of human and minority rights rather than with protecting and promoting those rights.

⁹ Members of the Council for Gender Equality in Loznica, say, are simultaneously functioning as members of the Council for Interethnic Relations. The same council's authorities in Priboj are invested in municipal deputies, while the council in Plandiste has no Serb representative in its membership.

¹⁰ The Serbian Constitution provides a constitutional appeal (Article 170) with a view of protecting human and minority rights. However, it provides not the institution to which this appeal should be submitted, the more so since the Constitutional Court is not authorized to decide the cases of violation of human and minority rights.

representatives of the Bunjevci community warn about the impermissible denial of their national identity.

4. As for the relations within minority communities themselves it should be noted that those communities are not conflict-free structures due to different personal affiliations and interests. However, internal conflicts marking minority communities are incomparable – by intensity and brutality – with that tearing the Bosniak community. Conflicts between two competing political parties – including shooting and killing as well – have spilt onto the Islamic Religious Community. “Ordinary” Bosniaks take their political leaders and religious dignitaries, as well as the Serbian government, responsible for the violence, intolerance and impermissible public discourse. By supporting rivaling parties by turns, the Serbian government actually maintains conflicts and thus controls the entire region.

III.

Minorities in Serbia are formally guaranteed the rights adjusted to European standards. However, they are still perceived as “aliens” and a threat to the “state-building” nation. The process of adoption of the new Serbian Constitution probably best illustrates general distrust in minorities. Though minority representatives have expressed readiness to partake in drafting the constitution no one has ever invited them to have their say.¹¹ The Serbian authorities have thus missed a most welcome opportunity to reach the widest possible social consensus via the highest legal act, democratize the minority issue at constitutional level and fuel minorities’ sense that the political community rests on their approval. Constitutional definition of Serbia as “the state of the Serb nation and all citizens living in it” (Article 1) and appropriation of Vojvodina as a Serb province by Serb nationalists practically urge minority communities – at least those that are better organized such as Hungarians – to insist on special arrangement such as a territorial ethnic autonomy. National frustration caused by “the loss” of Kosovo, Serbian political elite’s inability to decentralize the country, invest more authority in local self-governments and provide Vojvodina with a high level of autonomy, deficient institutional frame, political voluntarism and no-existent rule of law make such a solution even more attractive to its advocates. However, it should be noted that all demands for territorial autonomy – in the context of the Balkan political culture – are seen as covert claims for secession of the territory earmarked as the area of ethnic autonomy.

¹¹ Serbia’s Constitution was declared on November 8, 2006.